

1980

c 198 Highway Traffic

Ontario

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CHAPTER 198

Highway Traffic Act

1.—(1) In this Act,

Interpre-
tation

1. "Board" means the Licence Suspension Appeal Board referred to in section 31; 1973, c. 167, s. 1 (1), *part.*

2. "built-up area" means the territory contiguous to a highway not within a city, town, village or police village where,

i. not less than 50 per cent of the frontage upon one side of the highway for a distance of not less than 200 metres is occupied by dwellings, buildings used for business purposes, schools or churches, or

ii. not less than 50 per cent of the frontage upon both sides of the highway for a distance of not less than 100 metres is occupied by dwellings, buildings used for business purposes, schools or churches, or

iii. not more than 200 metres of the highway separates any territory described in subparagraph i or ii from any other territory described in subparagraph i or ii,

and signs are displayed as required by the regulations; 1977, c. 19, s. 1 (1).

3. "bus" means a motor vehicle designed for carrying ten or more passengers and used for the transportation of persons; 1973, c. 45, s. 1 (1); 1973, c. 167, s. 1 (1), *part.*

4. "chauffeur" means a person who operates a motor vehicle and receives compensation therefor; R.S.O. 1970, c. 202, s. 1 (1), par. 2.

5. "commercial motor vehicle" means a motor vehicle having permanently attached thereto a truck or

delivery body and includes ambulances, hearses, casket wagons, fire apparatus, buses and tractors used for hauling purposes on the highways; R.S.O. 1970, c. 202, s. 1 (1), par. 3; 1973, c. 167, s. 1 (2).

6. "conversion unit" means a mechanical device consisting of a single axle designed to convert a two-axle vehicle into a three-axle vehicle;
7. "crosswalk" means,
 - i. that part of a highway at an intersection that is included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the roadway, or
 - ii. any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs or by lines or other markings on the surface; R.S.O. 1970, c. 202, s. 1 (1), pars. 4, 5.
8. "Deputy Minister" means the Deputy Minister of Transportation and Communications; R.S.O. 1970, c. 202, s. 1 (1), par. 7; 1972, c. 1, s. 100 (2).
9. "driver" means a person who drives a vehicle on a highway; 1979, c. 57, s. 1 (1).
10. "driver's licence" means a licence issued under section 18 to drive a motor vehicle on a highway; 1976, c. 37, s. 1.
11. "farm tractor" means a self-propelled vehicle designed and used primarily as a farm implement for drawing ploughs, mowing-machines and other implements of husbandry and not designed or used for carrying a load;
12. "garage" means every place or premises where motor vehicles are received for housing, storage or repairs for compensation;
13. "gross weight" means the combined weight of vehicle and load;
14. "highway" includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, designed and intended for, or used by, the general public for the passage of vehicles;

15. "intersection" means the area embraced within the prolongation or connection of the lateral curb lines or, if none, then of the lateral boundary lines of two or more highways that join one another at an angle, whether or not one highway crosses the other; R.S.O. 1970, c. 202, s. 1 (1), pars. 8-12.
16. "King's Highway" includes the secondary highways and tertiary roads designated under the *Public Transportation and Highway Improvement Act*; R.S.O. 1970, c. 202, s. 1 (1), par. 13; 1971, c. 61, s. 1. R.S.O. 1980,
c. 421
17. "median strip" means the portion of a highway so constructed as to separate traffic travelling in one direction from traffic travelling in the opposite direction by a physical barrier or an unpaved strip of ground; 1974, c. 123, s. 1 (1).
18. "Minister" means the Minister of Transportation and Communications;
19. "Ministry" means the Ministry of Transportation and Communications; 1973, c. 45, s. 1 (2), *part*.
20. "mobile home" means a vehicle, other than a motor vehicle, that is designed and used as a residence or working accommodation unit and exceeds 2.6 metres in width or eleven metres in length; 1973, c. 45, s. 1 (2), *part*; 1978, c. 4, s. 1 (1).
21. "motor assisted bicycle" means a bicycle,
 - i. that is fitted with pedals that are operable at all times to propel the bicycle,
 - ii. that weighs not more than fifty-five kilograms,
 - iii. that has no hand or foot operated clutch or gear-box driven by the motor and transferring power to the driven wheel,
 - iv. that has an attached motor driven by electricity or having a piston displacement of not more than fifty cubic centimetres, and
 - v. that does not have sufficient power to enable the bicycle to attain a speed greater than 50 kilometres per hour on level ground

within a distance of 2 kilometres from a standing start; 1975, c. 78, s. 1 (1); 1977, c. 19, s. 1 (2); 1978, c. 4, s. 1 (2).

22. "motorcycle" means a self-propelled vehicle having a seat or saddle for the use of the driver and designed to travel on not more than three wheels in contact with the ground, and includes a motor scooter, but does not include a motor assisted bicycle; R.S.O. 1970, c. 202, s. 1 (1), par. 16; 1974, c. 123, s. 1 (3).
23. "motor vehicle" includes an automobile, motorcycle, motor assisted bicycle unless otherwise indicated in this Act, and any other vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road-building machine within the meaning of this Act; 1975, c. 78, s. 1 (2).
24. "official sign" means a sign approved by the Ministry; R.S.O. 1970, c. 202, s. 1 (1), par. 18; 1972, c. 1, s. 1.
25. "park" or "parking", when prohibited, means the standing of a vehicle, whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers;
26. "peace officer" includes a mayor, warden, reeve, sheriff, deputy sheriff, sheriff's officer, justice of the peace, jailer or keeper of a prison, and a police officer, constable, bailiff, or other person employed for the preservation and maintenance of the public peace, or for the service or execution of civil process, or any officer appointed for enforcing or carrying out the provisions of this Act;
27. "pedestrian crossover" means any portion of a roadway, designated by by-law of a municipality, at an intersection or elsewhere, distinctly indicated for pedestrian crossing by signs on the highway and lines or other markings on the surface of the roadway as prescribed by the regulations;
28. "public vehicle" has the same meaning as in the *Public Vehicles Act*;

29. "Registrar" means the Registrar of Motor Vehicles appointed under this Act;
30. "regulations" means the regulations made under this Act; R.S.O. 1970, c. 202, s. 1 (1), pars. 19-25.
31. "road-building machine" means a self-propelled vehicle of a design commonly used in the construction or maintenance of highways, including but not limited to,
- i. asphalt spreaders, concrete paving or finishing machines, motor graders, rollers, tractor-dozers and motor scrapers,
 - ii. tracked and wheeled tractors of all kinds while equipped with mowers, post-hole diggers, compactors, weed spraying equipment, snow blowers and snow plows, front-end loaders, back-hoes or rock drills, and
 - iii. power shovels on tracks and drag lines on tracks,
- but not including a commercial motor vehicle; 1979, c. 57, s. 1 (2).
32. "roadway" means the part of the highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder, and, where a highway includes two or more separate roadways, the term "roadway" refers to any one roadway separately and not to all of the roadways collectively; R.S.O. 1970, c. 202, s. 1 (1), par. 27.
33. "safety glass" means any product that is composed of glass and so manufactured, fabricated or treated as substantially to prevent the shattering and flying of the glass when struck or broken and that is approved by the Ministry, or such other or similar product that is approved by the Ministry; R.S.O. 1970, c. 202, s. 1 (1), par. 28; 1972, c. 1, s. 1.
34. "self-propelled implement of husbandry" means a self-propelled vehicle manufactured, designed, redesigned, converted or reconstructed for a specific use in farming; R.S.O. 1970, c. 202, s. 1 (1), par. 29.
35. "stand" or "standing", when prohibited, means the halting of a vehicle, whether occupied or not, except for the purpose of and while actually engaged in receiving or discharging passengers;

36. "stop" or "stopping", when prohibited, means the halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a constable or other police officer or of a traffic control sign or signal; R.S.O. 1970, c. 202, s. 1 (1), pars. 31, 32.
37. "through highway" means a highway or part of a highway designated as such by the Minister or by by-law of a municipality, and every such highway shall be marked by a stop sign or yield right-of-way sign in compliance with the regulations of the Ministry; R.S.O. 1970, c. 202, s. 1 (1), par. 33; 1972, c. 1, s. 1; 1974, c. 123, s. 1 (5).
38. "trailer" means a vehicle that is at any time drawn upon a highway by a motor vehicle, except an implement of husbandry, a mobile home, another motor vehicle or any device or apparatus not designed to transport persons or property, temporarily drawn, propelled or moved upon such highway, and except a side car attached to a motorcycle, and shall be considered a separate vehicle and not part of the motor vehicle by which it is drawn; R.S.O. 1970, c. 202, s. 1 (1), par. 34; 1973, c. 45, s. 1 (3).
39. "vehicle" includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or the cars of electric or steam railways running only upon rails; R.S.O. 1970, c. 202, s. 1 (1), par. 35; 1975, c. 78, s. 1 (3).
40. "wheelchair" means a chair mounted on wheels driven by muscular or any other kind of power and used for the carriage of a person who has a physical defect or disability. 1974, c. 123, s. 1 (7).

Suspension
or cancella-
tion of
licence or
permit

(2) Where in this Act the Minister, a provincial judge, a justice of the peace or other official is authorized or directed to suspend or cancel the licence or permit of any person, and such person is the holder of both a licence and a permit issued under this Act, every such authority extends to both licence and permit and every such direction may in the discretion of the Minister, provincial judge, justice of the peace or other official be made to apply to both licence and permit.

(3) For the purposes of Part VIII and any regulations or municipal by-laws made thereunder, every overpass and underpass shall be deemed to form part of the highway that it connects.

Overpass
and under-
pass

(4) Any reference in this Act to the *Criminal Code* (Canada) or any provision thereof shall be deemed to be a reference to the *Criminal Code* (Canada) or the provision thereof as amended or re-enacted from time to time.

References
to Criminal
Code
R.S.C. 1970,
c. C-34

R.S.O. 1970, c. 202, s. 1 (2-4).

PART I

ADMINISTRATION

2. Where by this Act powers are conferred or duties are imposed upon the Ministry, such powers may be exercised and such duties discharged by the Minister.

Powers and
duties of
Ministry

R.S.O. 1970, c. 202, s. 2; 1972, c. 1, s. 1.

3.—(1) There shall be a Registrar of Motor Vehicles appointed by the Lieutenant Governor in Council.

Registrar
of Motor
Vehicles

(2) The Registrar shall act under the instructions of the Minister and Deputy Minister and has general supervision over all matters relating to highway traffic within Ontario, and shall perform such duties as are assigned to him by this Act, by the Lieutenant Governor in Council, or by the Minister or Deputy Minister. R.S.O. 1970, c. 202, s. 3 (1, 2).

Duties

(3) The Minister may authorize the Deputy Minister and the Registrar or either of them to exercise and discharge in his place any of the powers conferred or the duties imposed upon him under this Act or the regulations and, where both the Deputy Minister and the Registrar are so authorized, either of them may exercise and discharge any of such powers and duties. R.S.O. 1970, c. 202, s. 3 (3); 1980, c. 37, s. 2.

Delegation
of powers,
etc.,
to Deputy
Minister
and Registrar

(4) The Deputy Minister, with the consent of the Minister, may authorize any public servant or servants in the Ministry to exercise any or all of the powers and duties of the Registrar when the Registrar or Deputy Registrar is absent. R.S.O. 1970, c. 202, s. 3 (4); 1972, c. 1, s. 1.

Delegation
of powers
of Registrar

4. There shall be a Deputy Registrar appointed by the Lieutenant Governor in Council who shall have all the powers and may perform all the duties of the Registrar. R.S.O. 1970, c. 202, s. 4.

Deputy
Registrar

5. The Lieutenant Governor in Council may make regulations,

Regulations
re fees

- (a) providing for the payment of fees for the issue, renewal, replacement or transfer of permits, licences and number plates under this Act and prescribing the amount of such fees;
- (b) providing for the payment of fees for copies of or access to any writing, paper or document filed in the Ministry pursuant to this Act or any statement containing information from the records of the Ministry and prescribing the amount of such fees;
- (c) providing for the payment of fees upon application to the Ministry for any approval required under this Act in respect of any equipment to be used on a vehicle and prescribing the amount of such fees. R.S.O. 1970, c. 202, s. 5; 1972, c. 1, s. 1.

PART II

PERMITS

Interpre-
tation

6.—(1) In this Part,

- (a) "CAVR cab card" means a cab card issued by the Ministry pursuant to the Canadian Agreement on Vehicle Registration;
- (b) "MVIS number plate" means a number plate issued to a licensee as defined in section 71;
- (c) "number", when used in relation to a permit or plate, means a number or a combination of letters and numbers, and "numbered", when so used, means bearing a number or a combination of letters and numbers;
- (d) "permit" means a permit issued or validated under subsection 7 (3) and includes a CAVR cab card;
- (e) "registrant" has the same meaning as in section 71;
- (f) "validate" means render in force for the period of time prescribed by the regulations, and "validation" and "validated" have corresponding meanings. 1974, c. 66, s. 1; 1979, c. 103, s. 1; 1980, c. 71, s. 1.

Commence-
ment of cls.
(1) (b) and (e)

- (2) Clauses (1) (b) and (e) do not come into force until a day to be named by proclamation of the Lieutenant Governor. 1979, c. 103, s. 9 (2), *part*.

7.—(1) The owner of a motor vehicle or trailer shall not,

Permit and
number
plates
required

- (a) drive the motor vehicle;
- (b) cause or permit the motor vehicle to be driven;
- (c) draw the trailer; or
- (d) cause or permit the trailer to be drawn,

on a highway except under the authority of a permit for the motor vehicle or trailer. 1974, c. 66, s. 2 (1), *part*; 1980, c. 71, s. 2 (1).

(2) Subsection (1) applies to a self-propelled implement of husbandry that is operated on a highway other than when travelling from farm to farm in relation to the specific use for which it was manufactured, designed, re-designed, converted or reconstructed or in travelling to or from such places as may be necessary for the maintenance or repair of the vehicle. R.S.O. 1970, c. 202, s. 6 (2).

Self-
propelled
implement
of
husbandry

(3) Upon the application of the owner of a motor vehicle or trailer and upon payment of the fee prescribed by the regulations, the Ministry or any person authorized by the Minister shall,

Issuance
or validation
of permits
and number
plates

(a) issue for the motor vehicle or trailer a numbered permit and, except in the case where the permit is a CAVR cab card, a number plate or number plates, in accordance with the regulations, bearing the number of the permit; or

(b) validate the permit issued for the motor vehicle or trailer and provide such evidence of the validation for display upon the motor vehicle or trailer as may be prescribed by the regulations. 1974, c. 66, s. 2 (1), *part*; 1980, c. 71, s. 2 (2).

(4) The Ministry shall maintain,

Records

(a) a numerical index record of all permits issued and in force under this section; and

(b) an alphabetical index record of the names and addresses of all persons to whom permits that are in force have been issued.

(5) A permit that is issued or validated is in force during the period of time prescribed by the regulations. 1974, c. 66, s. 2 (1), *part*.

Effective
term of
permit

Minister
may refuse
to issue
or validate
or may
cancel
permit

R.S.O. 1980,
c. 425

(6) The Minister may, in his discretion, refuse to issue or validate or may cancel any permit issued for any motor vehicle or trailer that is to be used or is used,

(a) as a public vehicle within the meaning of the *Public Vehicles Act*; or

(b) as a public commercial vehicle within the meaning of the *Public Commercial Vehicles Act*,

R.S.O. 1980,
c. 407

unless the owner of such motor vehicle or trailer is in possession of an operating licence as required by such Acts. R.S.O. 1970, c. 202, s. 6 (4); 1973, c. 45, s. 2 (3); 1974, c. 66, s. 2 (2).

Minister
may cancel
or refuse
to issue

(7) The Minister may, in his discretion, cancel or refuse to issue a permit, the fee for which is prorated under a reciprocity agreement or arrangement with another jurisdiction, where the owner or lessee has been convicted of an offence under section 16 or if in his opinion the owner or lessee is not entitled to reciprocity privileges under the Canadian Agreement on Vehicle Registration.

Notice of
proposal

(8) Where the Minister proposes to cancel or refuse to issue a permit referred to in subsection (7), he shall notify the permit holder or applicant, as the case may be, of his proposal.

Show
cause

(9) A person who has received a notification under subsection (8) may, within thirty days after receiving the notification, submit to the Minister such documents and records as may show cause why the Minister should not cancel or refuse to issue the permit.

Proceeding
with
proposal

(10) Upon the expiration of thirty days after the notification referred to in subsection (8) and consideration of any documents or records submitted under subsection (9), the Minister may carry out his proposal or refrain from carrying out his proposal. 1980, c. 71, s. 2 (3), *part*.

Local
issuance
of motor
vehicle
permits

(11) The Minister may give authority to any person to issue permits for motor vehicles or trailers and may define the duties and powers of such person, and, where the salary is not otherwise provided, may authorize and fix the fee to be retained by the person so authorized for each permit issued. R.S.O. 1970, c. 202, s. 6 (5); 1973, c. 45, s. 2 (4).

Permit
documen-
tation

(12) Prior to the issuance or validation of a permit under this section, the Minister may require production of such documentation as he considers necessary to enable him to determine whether a permit may be issued or validated and that

documentation may be different for different vehicles or classes of vehicles or in respect of the same vehicles or classes of vehicles used for different purposes. 1980, c. 71, s. 2 (3), *part*.

(13) Declarations or affidavits in connection with the issuance of permits and licences under this Act or required by the Ministry in that regard may be taken before any person having authority to administer oaths or before any person specially authorized for that purpose by the Lieutenant Governor in Council, but any person so specially authorized shall not charge any fee therefor. R.S.O. 1970, c. 202, s. 6 (6); 1972, c. 1, s. 1.

Adminis-
tration of
declarations
and
affidavits

(14) The Lieutenant Governor in Council may make regulations respecting any matter ancillary to the provisions of this Part with respect to permits and number plates and in particular,

Regulations
re permits
and number
plates

- (a) prescribing forms for the purposes of this section and requiring their use;
- (b) respecting the issuance and validation of permits and the issuance of number plates;
- (c) prescribing the period of time during which permits shall be in force that are issued or validated for motor vehicles or trailers or any class or type of either of them;
- (d) prescribing fees for the issuance, validation and replacement of permits and number plates and of evidence of validation of permits;
- (e) governing the method of validating permits and the form of and manner of affixing, displaying or showing evidence of the validation of permits on motor vehicles and trailers;
- (f) respecting permits and number plates for and the operation of motor vehicles or trailers owned by manufacturers or dealers and not kept by them for private use;
- (g) respecting MVIS number plates for motor vehicles while the vehicles are in the care and control of licensees as defined in section 71 and regulating the operation of the vehicles by the said licensees. 1974, c. 66, s. 2 (3); 1979, c. 103, s. 2.

(15) The Lieutenant Governor in Council may make regulations respecting the issuing of permits for motor vehicles

Regulations
respecting
single
journey
permits

or trailers that are to be driven, operated or drawn on highways for single journeys from specified points of commencement to specified destinations and prescribing fees to be paid therefor. 1973, c. 45, s. 2 (5).

Commence-
ment of
cl. (14) (g)

(16) Clause (14) (g) does not come into force until a day to be named by proclamation of the Lieutenant Governor. 1979, c. 103, s. 9 (2), *part*.

Permit
limitations

8.—(1) Where the fee prescribed by the regulations for a permit or validated permit for a motor vehicle is calculated with regard to specific limitations or restrictions on the use of a vehicle, the owner of the vehicle shall not drive or cause or permit the vehicle to be driven on a highway except in accordance with such limitations or restrictions.

Penalty

(2) Every person who contravenes the provisions of subsection (1) is guilty of an offence and on conviction is liable to a fine of not less than \$50 and not more than \$200. 1980, c. 71, s. 3.

Penalty
for false
statement

9.—(1) Every person who knowingly makes a false statement in an application, declaration, affidavit or paper writing required by this Act or by the regulations or by the Ministry is guilty of an offence and on conviction, in addition to any other penalty or punishment to which he may be liable, is liable to a fine of not less than \$50 and not more than \$200 or to imprisonment for a term of not more than thirty days, or to both, and in addition his licence or permit may be suspended for a period of not more than six months. R.S.O. 1970, c. 202, s. 7 (1); 1972, c. 1, s. 1.

Change of
address

(2) Where an owner changes his address as stated in an application for a permit or for the validation of a permit or in a previous notice sent or filed under this subsection, he shall within six days send by registered mail to or file with the Ministry notice of his new address. 1974, c. 66, s. 3 (1).

Where vehicle
identification
number
obliterated

(3) No permit shall be issued for a motor vehicle or a trailer that has a gross weight exceeding 2,750 kilograms where the manufacturer's vehicle identification number or similar identifying mark has been obliterated or defaced until the owner has filed with the Ministry satisfactory proof of the ownership of the vehicle or trailer, and, if known, the reason for the obliteration or defacement, and, if satisfied as to the statements made, the Minister may grant permission to cut, impress, emboss or attach permanently to the vehicle or trailer a special identification number or mark, which thereafter shall be deemed sufficient for the purpose of the issuance, validation or transfer of a permit for the vehicle or trailer. R.S.O. 1970, c. 202, s. 7 (3); 1972, c. 1, s. 1; 1974, c. 66, s. 3 (2); 1978, c. 4, s. 2; 1980, c. 37, s. 3.

10.—(1) The owner of a motor vehicle shall not drive the motor vehicle or cause or permit it to be driven on a highway unless, Number plates

(a) the number plate or number plates issued in accordance with the regulations and showing the number of a permit that is issued by the Ministry or a person authorized by the Minister and in force for the motor vehicle are displayed on the motor vehicle in the manner prescribed by the regulations; and

(b) where the permit for the motor vehicle has been validated, there is affixed to the motor vehicle in the form and manner prescribed by the regulations evidence of the validation of the permit.

(2) The owner of a trailer shall not draw the trailer or cause or permit it to be drawn on a highway unless, Number plate on trailer

(a) there is attached to and exposed on the back thereof a number plate furnished by the Ministry or a person authorized by the Minister showing in plain figures the number of a permit issued and in force for the trailer; and

(b) where the permit for the trailer has been validated, there is affixed to the trailer in the form and manner prescribed by the regulations evidence of the validation of the permit. 1974, c. 66, s. 4.

(3) Subsection (1) does not apply to a motor vehicle if the permit therefor is a CAVR cab card. 1980, c. 71, s. 5. Where subs. (1) does not apply

11.—(1) Notwithstanding sections 7 and 10 and clause 12 (1) (d), a motor vehicle may be driven on a highway by a registrant carrying out a road test of the vehicle in the course of his duties as a registrant where an MVIS number plate issued by the Ministry or a person authorized by the Minister is displayed on the motor vehicle in the manner prescribed by the regulations. 1979, c. 103, s. 3. Road test

(2) Subsection (1) does not come into force until a day to be named by proclamation of the Lieutenant Governor. 1979, c. 103, s. 9 (2), *part*. Commencement of subs. (1)

12.—(1) Every person who,

(a) defaces or alters any number plate furnished by the Ministry;

Violations as to number plates

- (b) uses or permits the use of a defaced or altered number plate or a number plate issued by the Ministry for another motor vehicle or trailer;
- (c) without the authority of the owner, removes a number plate from a motor vehicle or trailer; or
- (d) uses or permits the use of any number plate upon a motor vehicle or trailer except the one issued by the Ministry for the motor vehicle or trailer,

is guilty of an offence and on conviction is liable to a fine of not less than \$50 and not more than \$500 or to imprisonment for not more than thirty days, or to both, and in addition his licence or permit may be suspended for not more than six months. R.S.O. 1970, c. 202, s. 9 (1); 1972, c. 1, s. 1; 1973, c. 45, s. 4 (1-3); 1974, c. 123, s. 2.

Notice of
purchase of
motor
vehicle, etc.

(2) Every person shall, within six days, forward to the Ministry a notice on the prescribed form of the sale or purchase by or to him of a motor vehicle or trailer for which a permit has been issued. R.S.O. 1970, c. 202, s. 9 (2); 1972, c. 1, s. 1; 1973, c. 45, s. 4 (4).

Number
plates
property of
Crown

(3) Every number plate furnished by the Ministry under this Act is the property of the Crown and shall be returned to the Ministry when required by the Ministry. R.S.O. 1970, c. 202, s. 9 (3); 1972, c. 1, s. 1.

No other
numbers to
be exposed

13.—(1) No number other than that upon the number plate furnished by the Ministry shall be exposed on any part of a motor vehicle or trailer in such a position or manner as to confuse the identity of the number plate. R.S.O. 1970, c. 202, s. 10 (1); 1972, c. 1, s. 1; 1973, c. 45, s. 5.

Numbers to
be kept
clean

(2) The number plates shall be kept free from dirt and obstruction and shall be so affixed that the numbers thereon may be plainly visible at all times, and the view thereof shall not be obscured or obstructed by spare tires, bumper bars, or by any part of the vehicle or any attachments thereto, or by the load carried.

Penalty

(3) Every person who contravenes any of the provisions of subsection (2) is guilty of an offence and on conviction is liable to a fine of not less than \$5 and not more than \$10. R.S.O. 1970, c. 202, s. 10 (2, 3).

Improper
number
plate

14.—(1) Where a peace officer has reason to believe that,

- (a) a number plate attached to a motor vehicle or trailer,
 - (i) was not furnished by the Ministry or a person authorized by the Minister for the motor vehicle or trailer, or
 - (ii) although furnished by the Ministry or a person authorized by the Minister for the motor vehicle or trailer, was obtained by false pretences; or
- (b) evidence that is displayed on a motor vehicle or trailer of the validation of a permit,
 - (i) was not furnished by the Ministry or a person authorized by the Minister in respect of the motor vehicle or trailer on which the evidence is displayed, or
 - (ii) although furnished by the Ministry or a person authorized by the Minister in respect of the motor vehicle or trailer on which the evidence is displayed, was obtained by false pretences,

the peace officer may take possession of the number plate attached to the motor vehicle or trailer and retain it until the facts as to the use or furnishing of the number plate or the evidence of validation of the permit for the motor vehicle or trailer have been determined. 1974, c. 66, s. 6.

(2) Where a peace officer has reason to believe that a CAVR cab card produced by a driver as being the permit for the motor vehicle, Invalid cab card

- (a) was not furnished by the Ministry for that motor vehicle; or
- (b) has been cancelled by the Ministry,

the peace officer may take possession of the CAVR cab card and retain it until the facts in respect of the card have been determined. 1980, c. 71, s. 7.

15.—(1) Sections 7 and 10 and subsection 13 (1) do not apply to a motor vehicle owned by a person who does not reside or carry on business in Ontario for more than six consecutive months in each year if the owner thereof is a resident of some other province of Canada and has complied with the provisions of the law of the province in which he resides as to registration of a motor vehicle and the display of the registration number thereon, and provided Exceptions as to residents of other provinces

the province of residence grants similar exemptions and privileges with respect to motor vehicles owned by residents of Ontario for which permits are issued and in force under this Act and the regulations. R.S.O. 1970, c. 202, s. 12 (1); 1974, c. 66, s. 7 (1).

Exemption
from
ss. 7, 10 for
thirty days

(2) Upon the owner of a motor vehicle becoming a resident of Ontario, he is exempt from the provisions of sections 7 and 10 for the thirty days immediately following provided he has complied with the provisions of the law of the jurisdiction in which he resided immediately prior to taking up residence in Ontario as to the registration of the motor vehicle and the displays of the registration number thereon, and continues to display the registration number in accordance with that law. 1978, c. 24, s. 1.

Exceptions
as to
residents
of foreign
countries

(3) Sections 7 and 10 and subsection 13 (1) do not apply to a motor vehicle owned by a person who does not reside or carry on business in Ontario for more than three months in any one year if the owner thereof is a resident of a country or state that grants similar exemptions and privileges with respect to motor vehicles owned by residents of Ontario for which permits are issued and in force under this Act and the regulations and has complied with the provisions of the law of the country or state in which he resides as to registration of a motor vehicle and the display of registration plates thereon, but this subsection does not apply to commercial motor vehicles. R.S.O. 1970, c. 202, s. 12 (2); 1974, c. 66, s. 7 (2).

Registration
of vehicles
of certain
non-residents

(4) Notwithstanding subsections (1) and (3), sections 7 and 10 and subsection 13 (1) apply to a motor vehicle owned by a person who does not reside in Ontario that displays registration plates of a jurisdiction other than Ontario and that is,

(a) based and operated in Ontario by such person; or

(b) operated by a resident of Ontario for more than a thirty-day period in any calendar year. 1973, c. 45, s. 7.

Regulations

(5) The Lieutenant Governor in Council may make regulations providing for the temporary exemption from the provisions of sections 7 and 10 of commercial vehicles or vehicles used by non-residents doing business in Ontario. R.S.O. 1970, c. 202 s. 12 (3); 1974, c. 66, s. 7 (3).

Records
to be kept

16.—(1) A person to whom a permit is issued for a prorated fee under a reciprocity agreement or arrangement with another jurisdiction shall maintain and preserve such records as are required by regulation during the period of validity of the permit and for the four years immediately following expiry thereof and shall submit such reports to the Ministry as are prescribed by the regulations within the prescribed times.

(2) A person to whom subsection (1) applies shall produce for inspection, within a reasonable time under the prevailing circumstances, the records required under subsection (1) upon the demand of an officer appointed by the Minister to carry out the provisions of this Part. Production of records

(3) An officer appointed by the Minister for carrying out the provisions of this Part may, at any reasonable time, enter the business premises of a person referred to in subsection (1) and examine those books, records and documents of that person that relate to his business of operating commercial vehicles. Examination of records

(4) Any person making an investigation under this section may, upon giving a receipt therefor, remove, for the purpose of making copies, any records produced under subsection (2) or examined under subsection (3) and when he does remove any records, the copies shall be made with reasonable dispatch and the records promptly returned. Removal of documents

(5) Any copy made under subsection (4) and certified to be a true copy by the person making the copy is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, paper or document and its contents. Copies as evidence

(6) Every person who contravenes subsection (1) or (2) or obstructs, or interferes with an officer in the performance of his duties under subsection (3), is guilty of an offence and on conviction is liable to a fine of not more than \$200 or to imprisonment for a term of not more than six months, or to both. Penalty

(7) The Lieutenant Governor in Council may make regulations, Regulations

(a) prescribing the records to be kept by persons referred to in subsection (1);

(b) governing reports to be made to the Ministry by persons referred to in subsection (1). 1980, c. 71, s. 8, *part*.

17.—(1) Where the fee paid under subsection 7 (3) was produced under a reciprocity agreement or arrangement with another jurisdiction and the appropriate fees are not paid within sixty days after the issue of the permit, the permit shall be deemed to be cancelled upon notice of the cancellation being given to the permit holder. Cancellation of permit

(2) Where the notice referred to in subsection (1) is sent by prepaid mail addressed to the person to whom the permit was issued at his latest address appearing on the records of the Ministry, notice shall be deemed to have been given on the fifth day after the day of mailing. 1980, c. 71, s. 8, *part*. Notice

PART III

LICENCES

DRIVER, DRIVING INSTRUCTOR

Driver's
licence

18.—(1) No person shall drive a motor vehicle on a highway unless the motor vehicle is within a class of motor vehicles in respect of which the person holds a driver's licence issued to him by the Minister.

Issuance of
licence

(2) The Minister may issue a driver's licence to any person who meets the requirements of this Act and the regulations authorizing the person to drive on a highway,

(a) any motor vehicle within a class or classes of motor vehicles;

(b) subject to any conditions; and

(c) for the period of time,

prescribed by the regulations and set out or referred to in the licence. 1973, c. 167, s. 4, *part*.

Driving in
breach of
condition
prohibited

(3) No person shall drive a motor vehicle on a highway while contravening a condition contained in his driver's licence or imposed by the regulations. 1978, c. 90, s. 1.

Responsi-
bility of
owner of
motor vehicle

(4) No person who is the owner or is in possession or control of a motor vehicle shall permit any person to drive the motor vehicle on a highway unless that person holds a driver's licence issued in respect of the class of motor vehicles to which the motor vehicle belongs.

Examina-
tions

(5) An applicant for a driver's licence or a person who holds a driver's licence shall submit to such examinations as are authorized by the regulations relating to this section and required by the Minister at such times and places as the Minister may require and the Minister may,

(a) in the case of an applicant for a driver's licence,

(i) issue the licence subject to such of the conditions authorized by the regulations and in respect of such class or classes of motor vehicles as in the opinion of the Minister are justified by the results of the examinations, or

(ii) where the applicant fails to submit to or to successfully complete the examinations, re-

fuse to issue a driver's licence to the applicant; or

(b) in the case of a person who holds a driver's licence,

(i) impose or remove such of the conditions authorized by the regulations or change the class or classes of motor vehicles in respect of which the licence is issued in accordance with the results of the examinations, or

(ii) where the person fails to submit to or to successfully complete the examinations, suspend or cancel the driver's licence held by the person. 1973, c. 167, s. 4, *part*.

(6) The Minister may require as a condition for issuing a driver's licence that the applicant therefor submit to being photographed by equipment provided by the Ministry. 1978, c. 24, s. 2. Applicant for driver's licence may be photographed

(7) The Lieutenant Governor in Council may make regulations relating to this section, Regulations

(a) prescribing classes of motor vehicles;

(b) prescribing the term of validity of drivers' licences;

(c) prescribing conditions that shall apply to drivers' licences or any class or classes of drivers' licences;

(d) prescribing classes of drivers' licences;

(e) respecting practical and written driving examinations, and mental and physical, including ophthalmic and auditory, examinations for applicants for and holders of drivers' licences;

(f) prescribing the qualifications of applicants for and holders of drivers' licences or any class or classes of drivers' licences and authorizing the Minister to waive such qualifications as are specified in the regulations under the circumstances prescribed therein;

(g) respecting documents required to be filed with the Ministry prior to the issuance of a driver's licence or any class or classes of drivers' licences or as a condition of retention thereof by the holder of a driver's licence. 1973, c. 167, s. 4; 1974, c. 123, s. 3.

Documents
privileged

(8) Documents filed with the Ministry relating to mental and physical, including ophthalmic and auditory, examinations pursuant to this section are privileged for the information of the Ministry only and shall not be open for public inspection. 1977, c. 54, s. 1.

Commence-
ment of
subs. (6)

(9) Subsection (6) does not come into force until a day to be named by proclamation of the Lieutenant Governor. 1978, c. 24, s. 7 (1).

As to
carrying
licences and
surrender
on demand

19.—(1) Every driver of a motor vehicle shall carry his licence with him at all times while he is in charge of a motor vehicle and shall surrender the licence for reasonable inspection upon the demand of a constable or officer appointed for carrying out the provisions of this Act. 1979, c. 57, s. 2 (1).

Identifica-
tion on
failure to
surrender
licence

(2) Every person who is unable or refuses to surrender his licence in accordance with subsection (1) shall, when requested by a constable, give reasonable identification of himself and, for the purposes of this subsection, the correct name and address of such person shall be deemed to be reasonable identification. R.S.O. 1970, c. 202, s. 14 (2); 1979, c. 57, s. 2 (2).

Exemption
as to non-
residents

20.—(1) Section 18 and any regulation made thereunder do not apply to any person who is,

(a) a resident of any other province of Canada, who is at least sixteen years of age and has complied with the law of the province in which he resides as to the drivers of motor vehicles;

(b) a resident of any other country or state,

(i) who is at least sixteen years of age and is the holder of a valid International Driver's Permit, or

(ii) who is at least sixteen years of age and has not resided in Ontario for more than three months in any one year and has complied with the law of the country or state in which he resides as to the licensing of drivers of motor vehicles. R.S.O. 1970, c. 202, s. 15 (1); 1973, c. 167, s. 5 (1), *revised*.

Exemption
of new
residents

(2) Section 18 and any regulation made thereunder do not apply to a person for sixty days after he has become a resident of Ontario if during such period he holds a subsisting driver's licence in accordance with the laws of the

province, country or state of which he was a resident immediately before becoming a resident of Ontario. R.S.O. 1970, c. 202, s. 15 (2); 1973, c. 167, s. 5 (2); 1977, c. 54, s. 2.

21.—(1) No person shall,

Displaying
licence
which has
been
suspended,
altered, etc.

(a) display or cause or permit to be displayed or have in his possession any cancelled, revoked, suspended, fictitious or fraudulently obtained or altered driver's licence;

(b) lend his driver's licence to any other person or permit the use of it by another person;

(c) display or represent as his own any driver's licence not issued to him;

(d) fail or refuse to surrender to the Ministry upon its demand any driver's licence that has been suspended, revoked or cancelled; or

(e) apply for, secure or retain in his possession more than one driver's licence. 1974, c. 123, s. 4, *part*.

(2) Notwithstanding clause (1) (e), a person may hold a second driver's licence where the second licence is issued solely to permit the licensee to obtain experience in the driving of a motorcycle for the purpose of qualifying for a driver's licence that authorizes him to drive a motorcycle. 1976, c. 37, s. 2.

Second
driver's
licence
permitted

22. A person whose driver's licence or privilege to drive a motor vehicle in Ontario has been suspended shall not drive a motor vehicle in Ontario under a driver's licence or permit issued by any other jurisdiction during such suspension. 1974, c. 123, s. 4, *part*.

Driving
prohibited
while
licence
suspended

23.—(1) No person under the age of sixteen years shall drive or operate a motor vehicle, road-building machine, self-propelled implement of husbandry or farm tractor on a highway.

Drivers
under 16
prohibited

(2) No person shall employ or permit anyone under the age of sixteen years to drive or operate a motor vehicle, road-building machine, self-propelled implement of husbandry or farm tractor on a highway.

Employment
of drivers
under 16
prohibited

(3) Subsections (1) and (2) do not apply in respect of the driving or operating of a self-propelled implement of husbandry or farm tractor directly across a highway. 1977, c. 54, s. 3.

Exception

Motor
assisted
bicycle
drivers
under 16
prohibited

24. No person under the age of sixteen years shall drive a motor assisted bicycle on a highway. 1974, c. 123, s. 5; 1975, c. 78, s. 2.

Prohibition
as to letting
or hiring

25.—(1) No person shall hire or let for hire a motor vehicle unless the person by whom the motor vehicle is to be driven is a person licensed to drive a motor vehicle as required by this Act.

Non-
resident's
licence

(2) Subsection (1) does not apply to a resident of any other province of Canada who does not reside or carry on business in Ontario for more than six consecutive months in any one year or to a resident of a country or state that grants similar exemptions and privileges to residents of Ontario, who does not reside in Ontario for more than three consecutive months in any one year, provided such person is the holder of a driver's licence issued by the province, country or state in which he resides.

Production
of licence
when hiring
motor
vehicle

(3) Every person, whether a resident of Ontario or not, hiring a motor vehicle shall produce his driver's licence for the inspection of the person from whom the vehicle is being hired. R.S.O. 1970, c. 202, s. 19.

Suspension
on conviction
for certain
offences
R.S.C. 1970,
c. C-34

26.—(1) The driver's licence of a person who is convicted of an offence under section 203, 204 or 219 of the *Criminal Code* (Canada) committed by means of a motor vehicle as defined in this Act or of an offence under section 233, 234 or 236 of the *Criminal Code* (Canada) committed while driving or having the care or control of a motor vehicle as defined in this Act or of an offence under section 234.1 or 235 of the *Criminal Code* (Canada) committed in relation to the driving or care or control of a motor vehicle as defined in this Act is thereupon and hereby suspended for a period of,

(a) upon the first conviction, three months;

(b) upon the first subsequent conviction, six months;
and

(c) upon an additional subsequent conviction, three
years,

provided that where an order has been made before the 26th day of April, 1976 under subsection 238 (1) of the *Criminal Code* (Canada) prohibiting a person from driving a motor vehicle for any longer period, the licence shall remain suspended during such longer period. 1977, c. 54, s. 4; 1978, c. 90, s. 2 (1).

(2) Where a person who has previously been convicted of an offence mentioned in subsection (1) is convicted of the same or any other offence mentioned in subsection (1) within five years after the date of the previous conviction, the offence for which he is last convicted shall be deemed to be a subsequent offence for the purposes of clauses (1) (b) and (c). 1976, c. 37, s. 3, *part*; 1978, c. 90, s. 2 (2). Subsequent offence within five-year period

(3) Where the court or judge, as the case may be, making the conviction referred to in subsection (1) considers it to be desirable for the protection of the public using the highways, the court or judge may make an order extending the suspension of the licence, Order extending suspension

(a) for any period in addition to the period specified in subsection (1) that the court or judge considers proper, if the person is liable to imprisonment for life in respect of the offence; or

(b) for any period in addition to the period specified in subsection (1) that the court or judge considers proper but not exceeding three years, if the person is not liable to imprisonment for life in respect of the offence.

(4) Where a person pleads guilty to or is found guilty of an offence referred to in subsection (1) and an order directing that the accused be discharged is made under section 234, 236 or 662.1 of the *Criminal Code* (Canada), this section applies in the same manner as if the person were convicted of the offence. Order for discharge
R.S.C. 1970, c. C-34

(5) An appeal may be taken from an order for additional suspension made under subsection (3) and the provisions of the *Criminal Code* (Canada) applying to an appeal from the conviction referred to in subsection (1) apply in respect of an appeal from an order made under subsection (3). Appeal

(6) Where an appeal is taken under subsection (5), the court being appealed to may direct that the order being appealed from shall be stayed pending the final disposition of the appeal or until otherwise ordered by that court. 1976, c. 37, s. 3, *part*. Stay of order on appeal

27.—(1) The licence of a person who is convicted of an offence under subsection 238 (3) of the *Criminal Code* (Canada) is thereupon and hereby suspended for a period of six months in addition to any other period for which the licence is suspended, and consecutively thereto. Suspension for driving while disqualified

(2) Where a person pleads guilty to or is found guilty of an offence referred to in subsection (1) and an order directing that the accused be discharged is made under section 662.1 of the *Criminal* Order for discharge

Code (Canada), this section applies in the same manner as if the person were convicted of the offence. 1976, c. 37, s. 4.

When
driver
may be
disqualified

28. A provincial judge or justice of the peace by whom a person is convicted of a contravention of this Act, if the person convicted is required to hold a driver's licence and does not hold such licence, may declare him disqualified to hold such a licence for such time as the provincial judge or justice of the peace thinks fit and shall so report with the certificate of the conviction to the Minister. R.S.O. 1970, c. 202, s. 26.

Interpre-
tation

29.—(1) In this section, "justice" means a justice of the peace or a provincial judge.

Suspension
for default
in payment
of fine
R.S.O. 1980,
cc. 425, 407,
400

(2) Where a justice is satisfied that a person is in default of payment of all or any part of a fine imposed upon conviction for an offence against this Act, the *Public Vehicles Act*, the *Public Commercial Vehicles Act* or the regulations made under any of them, he may, in addition to any other order which may have been made under the *Provincial Offences Act*, issue an order to the Registrar directing the suspension of the driver's licence of such person and the Registrar shall suspend the licence.

Suspension

(3) A driver's licence that is suspended under this section shall remain suspended and shall not be renewed, nor shall a new licence be issued to the person whose licence has been suspended, until payment in full is made of the amount in respect of which the order directing suspension was issued and the licence is reinstated pursuant to subsection (4).

Removal of
suspension

(4) Upon payment in full of the amount in respect of which an order directing suspension was issued, a justice of the court from which the order was issued shall issue an order to the Registrar directing the reinstatement of the driver's licence and the Registrar shall reinstate the licence.

Regulations

(5) The Lieutenant Governor in Council may make regulations prescribing forms and procedures and respecting any matter considered necessary or advisable to carry out effectively the intent and purpose of this section. 1972, c. 128, s. 1.

Power to
cancel
permit or
licence and
to prohibit
driving

30.—(1) The Registrar may, at any time for misconduct or contravention of the provisions of this Act, the *Public Vehicles Act* or the *Public Commercial Vehicles Act* or of any regulation thereunder by an owner or driver of a motor vehicle or for any reason that he may consider sufficient, suspend or cancel any permit or licence, and no further or other licence or permit shall be issued to such owner or driver during such suspension or, in the case of a cancellation, until the Registrar approves, and the Registrar may also for such misconduct or contravention or reason prohibit any

person from driving a motor vehicle for such period as he may consider advisable and every such person who drives a motor vehicle during the prohibited period is liable to a fine of not more than \$500.

(2) Every person whose permit has been suspended or cancelled and who, while prohibited from having a motor vehicle registered in his name, applies for or procures the issue to him or has in his possession a permit issued to him is guilty of an offence and on conviction is liable to a fine of not less than \$25 and not more than \$100 and to imprisonment for a term of not more than thirty days. Unlawful possession of permit

(3) Every person whose licence has been suspended or cancelled and who, while prohibited from driving a motor vehicle, applies for or procures the issue to him or has in his possession a licence is guilty of an offence and on conviction is liable to a fine of not less than \$25 and not more than \$100 and to imprisonment for a term of not more than thirty days. R.S.O. 1970, c. 202, s. 27. Unlawful possession of licence

(4) The Registrar may, at any time for misconduct or contravention of the provisions of this Act, the *Public Vehicles Act* or the *Public Commercial Vehicles Act* or of any regulation thereunder by an owner or lessee of one or more motor vehicles or trailers for which permits have been issued by a jurisdiction or jurisdictions other than the Province of Ontario, order that the permit and number plates issued for such vehicle or vehicles be seized and any constable or any officer appointed for carrying out the provisions of this Act or the enforcement of the *Public Vehicles Act* or the *Public Commercial Vehicles Act* may seize the permit and number plates and deliver them to the Ministry which shall return them to the authority that issued them. 1978, c. 16, s. 1. Power to seize out-of-province permits and plates

R.S.O. 1980,
cc. 425, 407

31.—(1) The board known as the Licence Suspension Appeal Board is continued and shall consist of three or more members appointed by the Lieutenant Governor in Council, and one of them shall be designated as chairman. Licence Suspension Appeal Board

(2) The members of the Board shall be paid such remuneration as is determined by the Lieutenant Governor in Council. Remuneration

(3) The Lieutenant Governor in Council may make regulations prescribing the duties of the Board, the fees to be paid on applications and the rules of practice and procedure applicable to procedures before the Board. R.S.O. 1970, c. 202, s. 28. Regulations

Appeal

32.—(1) Every person aggrieved by a decision of the Minister under subclause 18 (5) (b) (i) or a decision of the Registrar under section 30 may appeal the decision to The Licence Suspension Appeal Board.

Powers of Board

(2) The Board may confirm, modify or set aside the decision of the Minister or Registrar. 1980, c. 71, s. 9.

Appeal to county judge

(3) Every person who deems himself aggrieved by a decision of the Board may, within thirty days after a notice of the decision is sent to his latest address as recorded with the Board, appeal the decision of the Board to a judge of the county or district court of the county or district in which the person resides.

Powers of judge

(4) The judge may confirm, modify or set aside the decision of the Board.

Application of s. 37

(5) Section 37 does not apply to the suspension or cancellation of a licence or permit under section 30. R.S.O. 1970, c. 202, s. 29 (3-5).

Penalty for operating motor vehicle when permit suspended or cancelled

33. Every person who drives a motor vehicle the permit for which is under suspension or has been cancelled is guilty of an offence and on conviction is liable to a fine of not less than \$100 and not more than \$500 or to imprisonment for a term of not more than six months, or to both. R.S.O. 1970, c. 202, s. 30.

Service

34. Notice to a person of the suspension of his driver's licence is sufficiently given if delivered personally or sent by registered mail addressed to the person to whom the licence was issued at the latest current address of the person appearing on the records of the Ministry and where notice is given by registered mail it shall be deemed to have been given on the fifth day after the mailing unless the person to whom notice is given establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control, receive the notice. 1974, c. 123, s. 10, *part*.

Driving while driver's licence suspended

35. Every person who drives a motor vehicle on a highway when his driver's licence is suspended by operation of this Act is guilty of an offence and on conviction is liable to a fine of not more than \$500 and to the suspension of his driver's licence for a period of six months in addition to the period of suspension with respect to which he is convicted under this section. 1974, c. 123, s. 10, *part*.

Where person whose permit or licence suspended does not hold permit or licence

36. Where by or under the provisions of this Act or the regulations a permit or licence is suspended and the person to whom the suspension applies is not the holder of a permit or licence, as the case may be, such person shall be deemed for all the purposes of

this Act or the regulations to be a person whose permit or licence, as the case may be, has been suspended. R.S.O. 1970, c. 202, s. 31; 1979, c. 103, s. 4.

37. If a person whose licence has been suspended enters an appeal against his conviction and serves notice of the appeal on the Registrar, the suspension does not apply from the time notice is served on the Registrar unless the conviction is sustained on appeal. 1977, c. 54, s. 5.

38. The Lieutenant Governor in Council may make regulations providing for a demerit point system for drivers of motor vehicles and under such system may provide for the cancellation and suspension of licences and may require the attendance of any driver before any official of the Ministry to show cause why his licence should not be cancelled or suspended. R.S.O. 1970, c. 202, s. 33; 1972, c. 1, s. 1.

39. The Lieutenant Governor in Council may make regulations in respect of probationary drivers,

- (a) defining probationary drivers;
- (b) prescribing the period or periods during which a person shall be classed as a probationary driver;
- (c) prescribing the circumstances under which the driver's licence of a probationary driver shall be cancelled or suspended and the length of such suspension or suspensions;
- (d) prescribing circumstances under which a probationary driver may be required to attend before an official of the Ministry for an interview and such examination as may be required;
- (e) prescribing circumstances under which a probationary driver may be required to produce evidence with regard to successful completion of a driver improvement course approved by the Minister;
- (f) prescribing modifications to the demerit point system prescribed under section 38 in so far as it applies to probationary drivers and exempting probationary drivers from any of the provisions of the said demerit point system. 1978, c. 24, s. 3; 1979, c. 103, s. 5.

40.—(1) In this section, "driving instructor" means a person who teaches persons to operate motor vehicles and receives compensation therefor.

Regulations

(2) The Lieutenant Governor in Council may make regulations licensing, regulating and governing driving instructors and the teaching of persons to operate motor vehicles.

Conflict between section and by-law

(3) Where there is a conflict between this section and the regulations and a by-law of a municipal council or board of police commissioners regulating or governing driving instructors, this section and the regulations prevail. R.S.O. 1970, c. 202, s. 34.

PART IV

GARAGE AND STORAGE LICENCES

Licence respecting dealing in motor vehicles, etc.

41.—(1) No person shall deal in motor vehicles or trailers, operate a used car lot or engage in the business of wrecking or dismantling of vehicles without having been licensed so to do by the Ministry in respect of each separate premises used by him for the purpose of such business. 1978, c. 24, s. 4 (1); 1980, c. 71, s. 10 (1).

Fee

(2) The fee for the licence shall be such as may be fixed from time to time by the Lieutenant Governor in Council on the recommendation of the Minister. R.S.O. 1970, c. 202, s. 35 (2).

Penalty

(3) Every person who deals in motor vehicles or trailers or operates a used car lot or engages in the wrecking or dismantling of vehicles without a licence is guilty of an offence and on conviction is liable to a fine of not less than \$10 and not more than \$500. 1978, c. 24, s. 4 (2); 1980, c. 71, s. 10 (2).

Right of entry and inspection

(4) Any constable or any officer appointed for carrying out the provisions of this Part may enter into any place where motor vehicles, trailers or bicycles are stored or dealt in, or into any garage, repair shop, used car lot or premises used for the wrecking or dismantling of vehicles, and make such investigation and inspection as he thinks proper for the purposes of this Part. 1978, c. 24, s. 4 (3); 1980, c. 71, s. 10 (3).

Penalty for interference with constable

(5) Every person who obstructs, molests or interferes with any constable or officer in the performance of his duties under subsection (4) is guilty of an offence and on conviction is liable to a fine of not less than \$50 and not more than \$200 or to imprisonment for a term of not more than six months, or to both. R.S.O. 1970, c. 202, s. 35 (5).

Suspension or cancellation of licence by Minister

(6) The Minister may suspend or cancel the licence issued for dealing in motor vehicles or trailers, operating a used car lot, or for wrecking or dismantling vehicles, for misconduct or for non-

compliance with or infraction of any of the provisions of this Act or of the regulations by the holder of such licence or by any of his employees or for any other reason appearing to him to be sufficient. 1978, c. 24, s. 4 (4); 1980, c. 71, s. 10 (4).

(7) The Lieutenant Governor in Council may make regulations controlling and governing the business of dealing in motor vehicles or trailers, operating a garage, repair shop or used car lot, or the wrecking or dismantling of vehicles. 1978, c. 24, s. 4 (5); 1980, c. 71, s. 10 (5). Regulations

(8) In this section, "motor vehicle" does not include a motor assisted bicycle. 1975, c. 78, s. 3. Interpretation

42.—(1) Every person who buys, sells, wrecks or otherwise deals in second-hand motor vehicles, trailers or bicycles shall keep a complete record of all motor vehicles, trailers and bicycles bought, sold or wrecked and of such information as will enable the motor vehicles, trailers and bicycles to be readily identified, and shall transmit to the Ministry, within six days after the event, on forms furnished by the Ministry, a statement of each motor vehicle or trailer bought, sold or wrecked by him and such information with reference thereto as may be required by the Ministry. 1980, c. 71, s. 11. Record of second-hand vehicles bought, sold, etc.

(2) No person shall buy, sell, wreck or otherwise deal with any motor vehicle or bicycle or a trailer that has a gross weight exceeding 2,750 kilograms where the manufacturer's vehicle identification number or similar identifying mark has been obliterated or defaced or is not readily recognizable. R.S.O. 1970, c. 202, s. 36 (2); 1978, c. 4, s. 3 (1); 1980, c. 37, s. 4 (1). Prohibition as to buying where number obliterated

(3) No person shall deface or remove the manufacturer's vehicle identification number or identifying mark from a motor vehicle or from the engine thereof or from a bicycle or from a trailer that has a gross weight exceeding 2,750 kilograms. R.S.O. 1970, c. 202, s. 36 (3); 1978, c. 4, s. 3 (2); 1980, c. 37, s. 4 (2). Defacing vehicle identification

(4) Where any motor vehicle is placed in the possession of a person who repairs, buys, sells, wrecks or stores motor vehicles or conducts what is known as a garage business, parking station, parking lot or used car lot and the same remains in his possession for more than two weeks without good reason, such person shall forthwith, upon the expiration of such period of two weeks, make a report thereof to the Ministry. R.S.O. 1970, c. 202, s. 36 (4); 1972, c. 1, s. 1. Report to Ministry as to cars stored or parked

(5) If a motor vehicle that shows evidence of having been involved in a serious accident or having been struck by a bullet is brought into a garage, parking station, parking lot, used car lot or repair shop, the person in charge of the Report as to damaged or bullet-marked cars

garage, parking station, parking lot, used car lot or repair shop shall forthwith report the same to the nearest provincial or municipal police officer, giving the name and address of the owner or operator and also the permit number and a description of the vehicle.

Penalty

(6) Every person who contravenes any of the provisions of,

- (a) subsection (1) or (4) is guilty of an offence and on conviction is liable to a fine of not less than \$10 and not more than \$50;
- (b) subsection (2), (3) or (5) is guilty of an offence and on conviction is liable to a fine of not less than \$50 and not more than \$200 or to imprisonment for a term of not more than thirty days, or to both. R.S.O. 1970, c. 202, s. 36 (5, 6).

PART V

EQUIPMENT

Interpre-
tation

43. In this Part,

- (a) "ambulance" includes an ambulance as defined in the *Ambulance Act* and a cardiac arrest emergency vehicle operated by or under the authority of a hospital;
- (b) "fire department vehicle" includes an emergency crash extrication vehicle owned and operated by a rescue organization approved by the Minister in writing for the purposes of this Part;
- (c) "motor vehicle" does not include a motor assisted bicycle. 1979, c. 103, s. 6.

Lamps
required
on all
motor
vehicles
except
motor-
cycles

44.—(1) When on a highway at any time from one-half hour after sunset to one-half hour before sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 150 metres or less, every motor vehicle other than a motorcycle shall carry three lighted lamps in a conspicuous position, one on each side of the front of the vehicle which shall display a white or amber light only, and one on the rear of the vehicle which shall display a red light only. 1976, c. 37, s. 5 (1), *part*; 1978, c. 4, s. 4 (1).

Lamps
required
on motor-
cycles

(2) Subject to subsection (3), when on a highway at any time every motorcycle shall carry two lighted lamps in a conspicuous position, one on the front of the vehicle which shall display a white light only, and one on the rear of the vehicle which shall display a red light only.

(3) When on a highway at any time every motorcycle with a side car shall carry a lighted lamp in a conspicuous position on each side of the front of the vehicle which lamps shall display a white or amber light only and a lighted lamp on the rear of the vehicle which shall display a red light only. 1976, c. 37, s. 5 (1), *part*. Idem

(4) Any lamp required under subsection (1), (2) or (3) shall, when lighted, be clearly visible at a distance of at least 150 metres from the front or rear, as the case may be. 1976, c. 37, s. 5 (1), *part*; 1978, c. 4, s. 4 (2). Light requirement

(5) Notwithstanding subsections (2) and (3), where a motorcycle that was manufactured prior to the 1st day of January, 1970, is operated on a highway, the lighted lamps required under subsections (2) and (3) shall be required only during the period from one-half hour after sunset to one-half hour before sunrise, or at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 150 metres or less. 1976, c. 37, s. 5 (1), *part*; 1978, c. 4, s. 4 (3). Exception

(6) Lamps on the front of a motor vehicle shall be so constructed, located, arranged and adjusted that when lighted as required by subsections (1), (2) and (3) they produce under normal atmospheric conditions and on a level road a driving light sufficient to render clearly discernible to the operator of the motor vehicle any person or vehicle on the highway within a distance of 110 metres ahead of the motor vehicle. R.S.O. 1970, c. 202, s. 37 (3); 1977, c. 54, s. 6; 1978, c. 4, s. 4 (5). Strength of lamps

(7) No person shall drive upon a highway a motor vehicle where either or both of the lamps that are required on the front of the vehicle by subsections (1), (2) and (3) are coated or covered with a coloured material or lacquer or where either or both of the lamps have been modified by the attachment to the lamps or the motor vehicle of any device that reduces the effective area of the lenses or the intensity of the beam of the lamps. 1973, c. 45, s. 14 (1), *part*. Covering or coating of lamps prohibited

(8) Subsection (6) does not apply to a motor vehicle parked on a highway and subsections (1), (2), (3), (10), (11), (13), (23), (24), (26) and (27) do not apply to a vehicle parked on a highway upon which the speed limit is not greater than 50 kilometres per hour and which is so lighted by the means of any system of street or highway lighting that the vehicle is clearly discernible within a distance of sixty metres. R.S.O. 1970, c. 202, s. 37 (4); 1976, c. 37, s. 5 (2); 1978, c. 4, s. 4 (6). Lighted streets

Strength of
front lamps

(9) No motor vehicle shall carry on the front thereof more than four lighted lamps that project a beam having an intensity of over 300 candela. R.S.O. 1970, c. 202, s. 37 (5); 1978, c. 4, s. 4 (7).

Clearance
lamps
required
on wide
vehicles

(10) When on a highway at any time from one-half hour after sunset to one-half hour before sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 150 metres or less,

- (a) every commercial motor vehicle and trailer having a width at any part in excess of 2.05 metres, other than a truck tractor, shall carry, in addition to the lamps required by subsection (1), two lighted clearance lamps, one on each side of the front of the vehicle, which shall display an amber light, and two lighted clearance lamps, one on each side of the rear of the vehicle, which shall display a red light; or
- (b) every truck tractor having a width at any part in excess of 2.05 metres shall carry, in addition to the lamps required by subsection (1), two lighted clearance lamps, one on each side of the front of the vehicle, which shall display an amber light, and one lighted clearance lamp on the left side of the rear of the vehicle, which shall display a red light,

and the Ministry may by regulation permit a reflector, approved by the Ministry, to be displayed in lieu of clearance lamps on the rear of the vehicle, and all such lamps shall be affixed so as to indicate the overall width of the vehicle. R.S.O. 1970, c. 202, s. 37 (6); 1972, c. 1, s. 1; 1976, c. 37, s. 5 (3); 1978, c. 4, s. 4 (8); 1980, c. 37, s. 5 (2).

Identification
lamps

(11) When on a highway at any time from one-half hour after sunset to one-half hour before sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 150 metres or less, every commercial motor vehicle or combination of a commercial motor vehicle and a trailer having a length in excess of 9.2 metres or a width in excess of 2.05 metres shall carry three lighted lamps displaying green or amber lights at the front, except in the case of a public vehicle which shall display amber lights at the front, and three lighted lamps displaying red lights at the rear, and the lights of each colour shall be evenly placed not less than 150 millimetres nor more than 310 millimetres apart along a horizontal line as near the top of the commercial motor vehicle or combination of a com-

mercial motor vehicle and a trailer as the permanent structure permits, and shall be visible for distances of 150 metres from the front and rear respectively of the commercial motor vehicle or combination of a commercial motor vehicle and a trailer. R.S.O. 1970, c. 202, s. 37 (9); 1978, c. 4, s. 4 (10); 1978, c. 90, s. 3 (1).

(12) Notwithstanding subsection (11), a truck tractor driver on a highway without a trailer or semi-trailer is not required to carry the three red lamps displaying red lights to the rear. R.S.O. 1970, c. 202, s. 37 (10).

Rear
identification
lamps on
tractor
without
trailer

(13) When on a highway at any time from one-half hour after sunset to one-half hour before sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 150 metres or less, every motor vehicle or combination of vehicles having a length in excess of 6.1 metres shall carry not fewer than four lighted side marker lamps, one of which shall be located on each side of the vehicle or combination of vehicles near the front and shall display a green or amber light and one of which shall be located on each side of the vehicle or combination of vehicles near the rear and shall display a red light and each of which lights shall be visible for a distance of 150 metres from the side of the vehicle or combination of vehicles upon which it is located; provided that a vehicle or combination of vehicles may carry four reflectors approved by the Ministry in lieu of the side marker lamps required by this section; and provided further that, if the clearance lamps upon the left side of any vehicle or combination of vehicles display lights visible for a distance of 150 metres from the left side of the vehicle or combination of vehicles, it is not necessary to carry side marker lamps as required by this subsection on the left side of the vehicle. R.S.O. 1970, c. 202, s. 37 (11); 1972, c. 1, s. 1; 1978, c. 4, s. 4 (11); 1978, c. 90, s. 3 (2).

Side marker
lamps

(14) Subject to subsection (15), no person shall use a lamp, other than the vehicular hazard warning signal lamps commonly known as four way flashers, that produces intermittent flashes of red light. 1973, c. 45, s. 14 (1), *part*.

Intermittent
red light
restricted

(15) In addition to the lighting requirements in this Part, an ambulance, fire department vehicle, police department vehicle, Ministry vehicle operated by an officer appointed to carry out the provisions of this Act, the *Public Vehicles Act* or the *Public Commercial Vehicles Act*, public utility emergency vehicle, school bus or a vehicle while operated by a conservation officer, fishery officer, provincial park officer or mine rescue training officer in the course of his employment, may

Red light
in front

R.S.O. 1980,
cc. 425, 407

carry a lamp or lamps that cast a red light only or such other colour of light that may, with the approval of the Ministry, be designated by a by-law of the municipality in which the vehicle is operated, but no other motor vehicle shall carry any lamp that casts a red light to the front. 1978, c. 24, s. 5.

Vehicles of
volunteer
fire fighters
R.S.O. 1980,
c. 164

(16) A volunteer fire fighter under the *Fire Departments Act* may carry on the left front fender of his motor vehicle a lamp not exceeding 102 millimetres in diameter displaying an amber and a white flashing light showing the letters "V.F.F.", which lamp shall be illuminated only when such motor vehicle is proceeding to a fire or other emergency, and no other motor vehicle shall carry any such lamp. R.S.O. 1970, c. 202, s. 37 (13); 1978, c. 4, s. 4 (12).

Motor
assisted
bicycles,
bicycles and
tricycles,
lights on,
etc.

(17) When on a highway at any time from one-half hour after sunset to one-half hour before sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 150 metres or less, every motor assisted bicycle, bicycle or tricycle shall carry on the front thereof a lighted lamp displaying a white or amber light and on the rear thereof a lighted lamp displaying a red light or a reflector approved by the Ministry, and in addition there shall be placed on the front forks thereof white reflective material, and on the rear thereof red reflective material covering a surface of not less than 250 millimetres in length and 25 millimetres in width. R.S.O. 1970, c. 202, s. 37 (14); 1972, c. 1, s. 1; 1974, c. 123, s. 11 (1); 1978, c. 4, s. 4 (13).

Penalty

(18) Every person who contravenes subsection (17) is guilty of an offence and on conviction is liable to a fine of not more than \$5. R.S.O. 1970, c. 202, s. 37 (15).

Rear lamps
to illuminate
number plate

(19) The lamp on the rear of a motor vehicle or trailer shall be of at least three candela and shall be so placed that it will, at any time from one-half hour after sunset to one-half hour before sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 150 metres or less, illuminate the numbers on the number plate, or, if provision is made on the number plate or on any attachment furnished or required by the Ministry for affixing such lamp, it shall be affixed in the position or space provided, and such lamp shall face to the rear and reflect on the number plate a white light only. R.S.O. 1970, c. 202, s. 37 (16); 1972, c. 1, s. 1; 1978, c. 4, s. 4 (14).

(20) A motor vehicle, other than a commercial motor vehicle, while standing upon a highway at such times as lights are required by this section for the vehicle may, in lieu of the lighting equipment specified in this section, show one light carried on the left side of the vehicle in such a manner as to be clearly visible to the front and rear for a distance of at least sixty metres and to show white to the front and red to the rear of the vehicle; provided that such light shall not be displayed while the motor vehicle is in motion. R.S.O. 1970, c. 202, s. 37 (17); 1978, c. 4, s. 4 (15). Parking lights

(21) The Lieutenant Governor in Council may make regulations, Regulations as to lights on vehicles

- (a) prescribing the type and maximum strength of lights that shall be carried by vehicles, and regulating the location, direction, focus and use of such lights;
- (b) regulating or prohibiting the use of lights on vehicles that automatically produce intermittent flashes of light. R.S.O. 1970, c. 202, s. 37 (18).

(22) No motor vehicle, other than a public utility emergency vehicle, shall be equipped with more than one spotlamp and every lighted spotlamp shall be so directed, upon approaching or upon the approach of another vehicle, that no part of the high intensity portion of the beam from such lamp will be directed to the left of the prolongation of the extreme left side, nor more than thirty metres ahead, of the vehicle to which it is attached. R.S.O. 1970, c. 202, s. 37 (19); 1978, c. 4, s. 4 (16); 1980, c. 37, s. 5 (5). Spotlamps

(23) Every traction engine shall, at any time from one-half hour after sunset to one-half hour before sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 150 metres or less, carry a lighted lamp in a conspicuous place in front, which shall display a white or green light only, and one on the rear of the engine or of any vehicle that may be attached to it, which shall display a red light only. R.S.O. 1970, c. 202, s. 37 (20); 1978, c. 4, s. 4 (17). Lamps to be carried on engine

(24) When on a highway at any time from one-half hour after sunset to one-half hour before sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 150 metres or less, every trailer and every object or contrivance drawn by a vehicle shall carry on the rear thereof one lighted lamp, which shall display a red light only. R.S.O. 1970, c. 202, s. 37 (21); 1978, c. 4, s. 4 (18). Lamps required on rear of trailer, etc.

Lights on
vehicles,
objects and
contrivances
over
2.6 metres
in width

(25) When on a highway at any time from one-half hour after sunset to one-half hour before sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 150 metres or less, every vehicle, and every object or contrivance drawn by a vehicle, having a width at any part in excess of 2.6 metres, shall carry at the rear two lighted lamps displaying red lights or two red reflectors, one of which shall be affixed as nearly as possible to the extreme left side and one as nearly as possible to the extreme right side of the vehicle, and such lamps or reflectors shall be clearly visible at a distance of at least 150 metres from the rear of the vehicle. R.S.O. 1970, c. 202, s. 37 (22); 1978, c. 4, s. 4 (19).

Lamps on
all vehicles,
except motor
vehicles,
etc.

(26) Subject to subsection (28), every vehicle, other than a motor vehicle, motor assisted bicycle, bicycle, tricycle or a vehicle referred to in subsection (24), (25) or (27), when on a highway at any time from one-half hour after sunset to one-half hour before sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 150 metres or less, shall carry in a conspicuous position on the left side thereof a lighted lamp which shall display a white light to the front and a red light to the rear or a lighted lamp which shall display a white light to the front and a lighted lamp which shall display a red light to the rear, and any lamp so used shall be clearly visible at a distance of at least 150 metres from the front and the rear of the vehicle, as the case may be. R.S.O. 1970, c. 202, s. 37 (23); 1974, c. 123, s. 11 (2); 1978, c. 4, s. 4 (20).

Lights on
farm
tractors

(27) Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry equipped with an electric lighting system, when on a highway at any time from one-half hour after sunset to one-half hour before sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 150 metres or less, shall carry the lighted lamps required for motor vehicles under subsection (1). R.S.O. 1970, c. 202, s. 37 (24); 1978, c. 4, s. 4 (21).

Reflectors
in certain
cases

(28) The Ministry may by regulation permit a reflector approved by the Ministry to be displayed in lieu of a lighted lamp on vehicles commonly used for conveying flammable materials or vehicles that are structurally unsuitable for carrying lighted lamps. R.S.O. 1970, c. 202, s. 37 (25); 1972, c. 1, s. 1.

(29) Every motor vehicle or combination of motor vehicle and trailer having a width at any part in excess of 2.05 metres or having a length in excess of 6.1 metres shall be equipped with mechanical or electrical signalling devices that comply with subsections 122 (5) and (7). R.S.O. 1970, c. 202, s. 37 (28); 1978, c. 4, s. 4 (22). Signalling devices required on trucks, buses, etc.

(30) Where any light is required by any provision of this Act to be visible for a specified distance, such requirement shall be deemed to apply during the times indicated in such provision upon level ground and under normal atmospheric conditions. R.S.O. 1970, c. 202, s. 37 (29). Visibility of lights

(31) No person shall operate on a highway a motor vehicle or road-building machine while being used for the removal of snow from a highway unless the motor vehicle or road-building machine is equipped with a lamp producing intermittent flashes of blue light visible for a distance of 150 metres. R.S.O. 1970, c. 202, s. 37 (30); 1978, c. 4, s. 4 (23). Flashing blue light on snow-removal equipment

(32) No person shall use a lamp that automatically produces intermittent flashes of blue light on a motor vehicle or road-building machine other than a motor vehicle or road-building machine while being used for the removal of snow from a highway. R.S.O. 1970, c. 202, s. 37 (31). Restriction on use of flashing blue light

45. Every vehicle that is equipped with a right hand drive shall, unless it is equipped with a mechanical or electrical signal device as described in subsection 122 (5), have prominently displayed on the rear thereof, in bold face letters of not less than 50 millimetres in height and of a colour which is in contrast to that of the vehicle, the words, Vehicles with right hand drive

"RIGHT HAND DRIVE VEHICLE".

R.S.O. 1970, c. 202, s. 38; 1978, c. 4, s. 5.

46.—(1) Every motor vehicle, other than a motorcycle, when driven on a highway shall be equipped with at least two braking systems, each with a separate means of application and effective on at least two wheels, one of which shall be adequate to stop the vehicle as required by regulations made by the Ministry and the other of which shall be adequate to hold the vehicle stationary. R.S.O. 1970, c. 202, s. 39 (1); 1972, c. 1, s. 1. Brakes, two systems required

(2) Every motorcycle or motor assisted bicycle when being driven on a highway shall be equipped with at least Motorcycle or motor assisted bicycle

two braking systems each with a separate means of application with one effective on the front wheel and one effective on the rear wheel. R.S.O. 1970, c. 202, s. 39 (2); 1974, c. 123, s. 12.

Trailer or
semi-trailer

(3) Every trailer or semi-trailer having a gross weight of 1,360 kilograms or more shall be equipped with brakes adequate to stop and to hold the vehicle. R.S.O. 1970, c. 202, s. 39 (3); 1978, c. 4, s. 6.

Additional
brakes

(4) The Lieutenant Governor in Council may make regulations,

- (a) requiring vehicles or any type or class thereof to be equipped with brakes or braking systems in addition to the brakes required by subsection (1), (2) or (3); and
- (b) prescribing the standards and specifications of brakes and braking systems or any class or type thereof that are required by this section or regulations made under clause (a).

Condition
of brakes

(5) All such brakes and braking systems shall be maintained in good working order and shall conform to the regulations made under this section.

Inspection

(6) Any constable or any officer appointed for carrying out the provisions of this Act may at any time inspect or cause an inspection to be made of the brakes and braking systems on any vehicle on the highway, and may, if the brakes or braking systems do not conform to the regulations made under this section, require the driver of the vehicle to proceed forthwith to make or have such brakes and braking systems made to comply with such regulations. R.S.O. 1970, c. 202, s. 39 (4-6).

Brake
fluid

47.—(1) No person shall sell or offer for sale hydraulic brake fluid, for use in vehicles upon a highway, that does not comply with the standards and specifications prescribed by the regulations or in containers not marked in compliance with the regulations.

Regulations

(2) The Lieutenant Governor in Council may make regulations,

- (a) prescribing the standards and specifications of hydraulic brake fluid or any type or class thereof for use in vehicles;

- (b) providing for the identification and labelling of containers used for hydraulic brake fluid or any type or class thereof.

(3) Any regulation may adopt by reference, in whole or in part with such changes as the Lieutenant Governor in Council considers necessary, any code of standards or specifications of hydraulic brake fluid. Adoption of codes by reference

(4) Every person who contravenes any of the provisions of this section or any regulation made under this section is guilty of an offence and on conviction is liable to a fine of not less than \$100 and not more than \$500. R.S.O. 1970, c. 202, s. 40. Penalty

48.—(1) Every motor vehicle other than a motorcycle shall be equipped with, Windshield wiper, mirror

- (a) a device for cleaning rain, snow and other moisture from the windshield so constructed as to be controlled or operated by the driver;
- (b) a mirror or mirrors securely attached to the vehicle and placed in such a position as to afford the driver a clearly reflected view of the roadway in the rear, or of any vehicle approaching from the rear.

(2) Every motor vehicle and every trailer shall be equipped with mudguards or fenders or other device adequate to reduce effectively the wheel spray or splash of water from the roadway to the rear thereof, unless adequate protection is afforded by the body of the motor vehicle or trailer or by a trailer drawn by the motor vehicle. Mudguards

(3) Subsection (2) does not apply to motor vehicles or trailers in an unfinished condition while proceeding to a works for completion. Exception

(4) Every motor vehicle other than a motorcycle shall be equipped with an odometer in good working order. R.S.O. 1970, c. 202, s. 41. Odometers

49. No person shall drive upon a highway a motor vehicle, other than a commercial motor vehicle, that has attached thereto any mirror or mirrors that extend more than 305 millimetres from the side of the vehicle, except when the motor vehicle is towing another vehicle. 1977, c. 54, s. 7; 1978, c. 4, s. 7. Extended mirrors

50. Every bus when driven on a highway shall be equipped with a speedometer which shall be maintained in good working order. R.S.O. 1970, c. 202, s. 42. Speedometers required in buses

Require-
ments as
to tires

51.—(1) All self-propelled vehicles other than traction engines, and all trailers having a gross weight in excess of 1,820 kilograms, shall be equipped with rubber tires or tires of some composition equally resilient, and a vehicle shall not be operated on any highway with a tire that is broken or defective in such a manner as to cause additional impact or pounding on or cutting of the highway, and in the case of motor vehicles and trailers equipped with solid rubber tires there shall be at least 31.5 millimetres of rubber between the wheel rim and the roadway. R.S.O. 1970, c. 202, s. 43 (1); 1978, c. 4, s. 8.

Flanges and
clamps

(2) No vehicle shall be operated or object moved over or upon any highway with any flange, rib, clamp or other device attached to its wheels, or made a part thereof, which will injure the highway.

Lock-shoes

(3) No person driving a vehicle drawn by a horse or other animal and used for carrying articles of burden, goods, wares or merchandise shall when descending a grade on a highway lock any wheel of such vehicle except with the device commonly known as a lock-shoe. R.S.O. 1970, c. 202, s. 43 (2, 3).

Regulations

52.—(1) The Lieutenant Governor in Council may make regulations,

- (a) prescribing the standards and specifications of tires or any class or classes thereof in use on vehicles or any class or classes thereof;
- (b) prescribing classes of tires;
- (c) prescribing the standards and specifications of used or retreaded tires offered for sale and prohibiting the sale of such tires or any type thereof that do not comply with the standards and specifications therefor prescribed by the regulations or that are not marked in accordance with the regulations;
- (d) providing for and requiring the identification and marking of used or retreaded tires;
- (e) prohibiting the use of any type of tire on a highway at any time or during any period of the year and designating such period;
- (f) prescribing procedures for examining tires for the purpose of determining whether the prescribed standards and specifications have been met;

(g) regulating installation and placement of tires to be used on vehicles or any class or classes thereof;

(h) regulating combinations of tires installed on vehicles or any class or classes thereof;

(i) prescribing forms for the purposes of subsection (5). 1980, c. 37, s. 6 (1).

(2) Any regulation may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any code, and may require compliance with any code that is so adopted. R.S.O. 1970, c. 202, s. 44 (2). Codes

(3) No person shall drive or draw a vehicle on a highway, Offence

(a) fitted with a tire that does not conform with the standards and specifications prescribed in the regulations; or

(b) fitted with tires that are installed in a manner, in a place or in a combination that does not conform with the specifications prescribed in the regulations.

(4) Every person who contravenes this section or any regulation made under this section is guilty of an offence and on conviction is liable to a fine of not more than \$500. Penalty

(5) Where a constable or an officer appointed for the purpose of carrying out the provisions of this Act reasonably believes that a vehicle being operated on a highway is equipped with tires that do not conform to standards and specifications prescribed by the regulations, he may give the driver of the vehicle involved in the contravention a written notice in the prescribed form requiring the driver, within ninety-six hours after receiving the notice, to produce to a constable or officer at a location specified in the notice, evidence that the tires on the vehicle do not contravene the Act or the regulations, that the vehicle has been equipped with tires that conform to the prescribed standards and specifications or that an "unfit motor vehicle permit" has been issued for the vehicle. Notice to conform

(6) Subsection (4) does not apply to a person who has received a notice under subsection (5) and has complied with the notice. 1980, c. 37, s. 6 (2). Non-application of subs. (4)

53.—(1) In this section, "rebuild" means to make or impose a new tread or new surface or to otherwise alter the surface of a used tire so that it will resemble a new tire, by cutting into or adding rubber to the surface thereof, or by a combination of both. R.S.O. 1970, c. 202, s. 45 (1). Rebuilt tires, interpretation

Rebuilt
tires, to be
marked

(2) No person shall rebuild any tire designed for use upon a motor vehicle unless he causes it to be indicated in letters of not less than six millimetres in height, clearly embossed upon or imposed or cut into the outside surface of each wall of the tire, that it has been rebuilt. R.S.O. 1970, c. 202, s. 45 (2); 1978, c. 4, s. 9 (1).

Idem

(3) No person shall sell, offer or expose for sale, or have in his possession with intent to sell, any tire designed for use upon a motor vehicle that has been rebuilt unless it is indicated in letters of not less than six millimetres in height, clearly embossed upon or imposed or cut into the outside surface of each wall of the tire, that it has been rebuilt. R.S.O. 1970, c. 202, s. 45 (3); 1978, c. 4, s. 9 (2).

Penalty

(4) Every person who contravenes any of the provisions of subsection (2) or (3) is guilty of an offence and on conviction is liable to a fine of not less than \$100 and not more than \$500. R.S.O. 1970, c. 202, s. 45 (4).

Safety glass,
interpre-
tation

54.—(1) In this section, "motor vehicle" includes any apparatus or device that is permanently or temporarily attached to a motor vehicle, other than for the purpose of towing it, and in which a person can ride. R.S.O. 1970, c. 202, s. 46 (1).

Motor
vehicles to
be equipped
with safety
glass

(2) No person shall sell any new motor vehicle nor shall any new motor vehicle be registered with the Ministry unless such vehicle is equipped with safety glass wherever glass is used in doors, windows and windshields. R.S.O. 1970, c. 202, s. 46 (2); 1972, c. 1, s. 1.

Installation
of safety
glass

(3) No person shall install glass other than safety glass in the door, window or windshield of any motor vehicle. R.S.O. 1970, c. 202, s. 46 (3).

Regulations
as to safety
glass in
vehicles

(4) The Lieutenant Governor in Council may make regulations,

- (a) prescribing standards and specifications for safety glass used or intended to be used in a door, window or windshield of any motor vehicle;
- (b) providing for and requiring the marking and identification of safety glass used or intended to be used in a door, window or windshield of any motor vehicle.

Adoption
of code by
reference

(5) Any regulation made under subsection (4) may adopt by reference, in whole or in part with such changes as the Lieutenant Governor in Council considers necessary, any code

or standard and may require compliance with any code or standard that is so adopted. 1973, c. 45, s. 15 (1).

(6) Every person who contravenes any of the provisions of this section or of a regulation made under this section is guilty of an offence and on conviction is liable to a fine of not less than \$100 and not more than \$500. R.S.O. 1970, c. 202, s. 46 (4); 1973, c. 45, s. 15 (2). Penalty

55.—(1) No person shall drive a motor vehicle upon a highway, Signs, objects, etc., obstructing view prohibited

(a) with any sign, poster or other non-transparent material or object placed on the windshield or on any window of such motor vehicle; or

(b) with any object placed in, hung on or attached to such motor vehicle,

in such manner as will obstruct the driver's view of the highway or any intersecting highway. R.S.O. 1970, c. 202, s. 47 (1).

(2) No person shall drive a motor vehicle upon a highway where the surface of the windshield or of any window of the vehicle has been coated with any colour spray or other colour coating in such a manner as to obstruct the driver's view of the highway or any intersecting highway. 1973, c. 45, s. 16. Colour coating obstructing view prohibited

(3) No person shall drive on a highway a motor vehicle on which the surface of the windshield or of any window to the direct left or right of the driver's seat has been coated with any coloured spray or other coloured or reflective material that substantially obscures the interior of the motor vehicle when viewed from outside the motor vehicle. 1980, c. 37, s. 7. Colour coating obscuring interior

(4) This section does not prevent the use of signs, markers or equipment required under this Act or the regulations. R.S.O. 1970, c. 202, s. 47 (2). Signs, etc., required by Act or regulations

56.—(1) No person shall drive a motor vehicle upon a highway, Windows to afford clear view

(a) unless the windshield and the windows on either side of the compartment containing the steering wheel are in such a condition as to afford the driver a clear view to the front and side of the motor vehicle; and

- (b) unless the rear window is in such a condition as to afford the driver a clear view to the rear of the motor vehicle.

Application
of cl. (1) (b)

(2) Clause (1) (b) does not apply to a motor vehicle that is equipped with a mirror or mirrors securely attached to the motor vehicle and placed in such a position and maintained in such a condition as to afford the driver, otherwise than through the rear window, a clearly-reflected view of the roadway in the rear or of any vehicle approaching from the rear. R.S.O. 1970, c. 202, s. 48.

Muffler

57.—(1) Every motor vehicle or motor assisted bicycle shall be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and excessive smoke, and no person shall use a muffler cut-out, straight exhaust, gutted muffler, hollywood muffler, by-pass or similar device upon a motor vehicle or motor assisted bicycle. R.S.O. 1970, c. 202, s. 49 (1); 1974, c. 123, s. 13 (1).

Idem

(2) Subsection (1) does not apply to a motor assisted bicycle with an attached motor that is driven by electricity. 1974, c. 123, s. 13 (2).

Fumes from
engine

(3) The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke.

Unnecessary
noise

(4) A person having the control or charge of a motor vehicle shall not sound any bell, horn or other signalling device so as to make an unreasonable noise, and a driver of any motor vehicle shall not permit any unreasonable amount of smoke to escape from the motor vehicle, nor shall such driver at any time cause the motor vehicle to make any unnecessary noise, but this subsection does not apply to a motor vehicle of a municipal fire department while proceeding to a fire or answering a fire alarm call. R.S.O. 1970, c. 202, s. 49 (2, 3).

Alarm bell
to be
sounded

(5) Every motor vehicle, motor assisted bicycle, bicycle and tricycle shall be equipped with an alarm bell, gong or horn, which shall be kept in good working order and sounded whenever it is reasonably necessary to notify pedestrians or others of its approach. R.S.O. 1970, c. 202, s. 49 (4); 1974, c. 123, s. 13 (3).

Prohibition
as to use of
siren horn

(6) No vehicle other than an ambulance, fire or police department vehicle, public utility emergency vehicle or vehicle operated by the Ministry shall be equipped with a siren horn or a device producing a sound which so nearly resembles

that produced by a siren horn as to deceive or confuse.
R.S.O. 1970, c. 202, s. 49 (5); 1972, c. 1, s. 1.

58.—(1) Every farm tractor and self-propelled implement of husbandry when operated on a highway or any vehicle towed by either of them, shall have a slow moving vehicle sign attached to the rear thereof in accordance with the regulations, except when directly crossing a highway.

Slow
moving
vehicle
signs

(2) The Lieutenant Governor in Council may make regulations prescribing the type and specifications of the sign referred to in subsection (1), and the location thereof on the vehicle. R.S.O. 1970, c. 202, s. 50.

Regulations

59.—(1) Every person travelling on a highway with a sleigh or sled drawn by a horse or other animal shall have at least two bells attached to the harness or to the sleigh or sled in such a manner as to give ample warning sound.

Sleigh bells

(2) Every person who contravenes any of the provisions of subsection (1) is guilty of an offence and on conviction is liable to a fine of not more than \$5. R.S.O. 1970, c. 202, s. 51.

Penalty

60.—(1) No person shall drive on a highway a motor vehicle that is equipped with a television receiving set,

Television
in motor
vehicle

(a) any part of which is located in the motor vehicle forward of the back of the driver's seat; or

(b) that is visible to the driver while he is operating the motor vehicle.

(2) No person shall drive on a highway a motor vehicle in which a television set, while being operated, is located in the motor vehicle forward of the back of the driver's seat or is visible to the driver while he is operating the motor vehicle. R.S.O. 1970, c. 202, s. 52.

Operation of
television
in motor
vehicle

61.—(1) In this section, "radar warning device" means any device or equipment designed or intended for use in a motor vehicle to warn the driver of the presence of radar speed measuring equipment in the vicinity and includes any device or equipment designed or intended for use in a motor vehicle to interfere with the transmissions of radar speed measuring equipment.

Interpre-
tation

(2) No person shall drive on a highway a motor vehicle that is equipped with or that carries or contains a radar warning device.

Radar
warning
device
prohibited

**Powers of
police
officer**

(3) A police officer may at any time, without a warrant, stop, enter and search a motor vehicle that he has reasonable grounds to believe is equipped with or carries or contains a radar warning device contrary to subsection (2) and may seize and take away any radar warning device found in or upon the motor vehicle.

**Forfeiture
of device**

(4) Where a person is convicted of an offence under this section, any device seized under subsection (3) by means of which the offence was committed is forfeited to the Crown.

Penalty

(5) Every person who contravenes subsection (2) is guilty of an offence and on conviction is liable to a fine of not less than \$50 and not more than \$500.

Exception

(6) Subsection (2) does not apply to a person who is transporting radar warning devices in sealed packages in a motor vehicle from a manufacturer to a consignee. 1977, c. 66, s. 1.

**Sale of
radar
warning
devices
prohibited**

(7) No person shall sell, offer or advertise for sale a radar warning device by retail.

Penalty

(8) Every person who contravenes subsection (7) is guilty of an offence and on conviction is liable,

(a) for a first offence, to a fine of not more than \$1,000; and

(b) for each subsequent offence, to a fine of not more than \$5,000. 1980, c. 37, s. 8.

**Attachments
required
when
vehicle
drawn on
highway**

62. No motor vehicle, other than a motor vehicle in which there is a person licensed to drive a motor vehicle on a highway, trailer or other object or device shall be drawn by a motor vehicle or farm tractor on a highway unless there are two separate means of attachment so constructed and attached that the failure of one such means will not permit the motor vehicle, trailer, object or device being drawn to become detached; but this section does not apply to a trailer, object or device attached or coupled to the towing vehicle by means of a fifth wheel attachment or to a trailer or other object or device when drawn directly across a highway by a farm tractor. R.S.O. 1970, c. 202, s. 53; 1973, c. 45, s. 17.

**Modified
suspension
systems
prohibited**

63.—(1) No person shall operate on a highway a motor vehicle on which the suspension system has been modified so that the height of the motor vehicle is more than eight centimetres higher or lower than its height at the time of its manufacture.

(2) Subsection (1) does not apply to a commercial motor vehicle Exemption having a gross weight of more than 2,400 kilograms. 1980, c. 37, s. 9.

(3) Subsections (1) and (2) do not come into force until a day to Commence-
ment of
subss. (1, 2) be named by proclamation of the Lieutenant Governor. 1980, c. 37, s. 22 (3), *part*.

64. The Lieutenant Governor in Council may make Regulations
re bumpers regulations requiring any type or class of commercial motor vehicle or trailer to be equipped with rear bumpers and prescribing the location and means of attachment of such bumpers and prescribing the specifications for such bumpers. R.S.O. 1970, c. 202, s. 54.

65.—(1) Every constable and every officer appointed for Examination
of vehicle the purpose of carrying out the provisions of this Act may require the driver of any motor vehicle or motor assisted bicycle to submit such motor vehicle or motor assisted bicycle, together with its equipment and any trailer attached thereto, to such examinations and tests as the constable or officer may consider expedient. 1974, c. 123, s. 14 (1).

(2) Where any such vehicle, equipment or trailer is found Use of
unsafe
vehicle
prohibited to be in a dangerous or unsafe condition, the constable or officer making the examination or tests may require the driver of the vehicle to proceed to have the vehicle, equipment or trailer placed in a safe condition and may order the vehicle or trailer to be removed from the highway and may prohibit the operation of the vehicle or trailer on the highway until the vehicle, equipment or trailer has been placed in a safe condition. R.S.O. 1970, c. 202, s. 55 (2).

(3) Every driver of a motor vehicle or motor assisted bicycle Penalty who refuses or fails to submit the motor vehicle or motor assisted bicycle, together with its equipment and any trailer attached thereto, to such examination and tests as may be required by a constable or officer under subsection (1) is guilty of an offence and on conviction is liable to a fine of not less than \$50 and not more than \$100. R.S.O. 1970, c. 202, s. 55 (3); 1974, c. 123, s. 14 (2).

(4) Subsection (3) does not apply unless the constable or Notice
requiring
examination
and tests officer under subsection (1) has given to the driver of the motor vehicle or motor assisted bicycle a written notice

in the form prescribed by the Lieutenant Governor in Council requiring the driver to submit the motor vehicle or motor assisted bicycle, together with its equipment and any trailer attached thereto, to examination and tests. R.S.O. 1970, c. 202, s. 55 (4); 1974, c. 123, s. 14 (3).

Seizure
of plates

(5) Where the operation of a motor vehicle or trailer has been prohibited under subsection (2), the constable or officer may seize the number plates of the motor vehicle or trailer that is in a dangerous or unsafe condition and hold them until the motor vehicle or trailer has been placed in a safe condition. R.S.O. 1970, c. 202, s. 55 (5).

Regulations
re inspection
of certain
motor
vehicles

66. The Lieutenant Governor in Council may make regulations,

- (a) requiring the owners of commercial motor vehicles, or any type or class thereof, uninsured motor vehicles or motor assisted bicycles, and motor vehicles or motor assisted bicycles that have been involved in accidents that are reportable under section 173 to submit them to inspection;
- (b) prescribing the inspection procedures, inspection requirements and performance standards required for such motor vehicles and motor assisted bicycles;
- (c) prohibiting the operation on a highway of motor vehicles and motor assisted bicycles that do not comply with such requirements and standards, and providing for the seizure of the number plates of such motor vehicles and for holding them until the motor vehicle is made to comply with such requirements and standards. R.S.O. 1970, c. 202, s. 56; 1974, c. 123, s. 15.

Penalty for
driving
unsafe
vehicle

67. No person shall drive or operate or permit the driving or operation upon a highway of a vehicle that is in such a dangerous or unsafe condition as to endanger the driver or operator or any occupant thereof, or any person upon the highway. R.S.O. 1970, c. 202, s. 57.

Prohibition
where
evidence of
inspection
required

68.—(1) No person shall operate or permit to be operated on a highway a vehicle of a type or class prescribed by the regulations made under clause 70 (a) unless the vehicle displays, affixed in the place and manner prescribed in the regulations, a device issued by the Ministry as evidence that the inspection requirements and performance standards prescribed by the regulations have been

complied with. 1975 (2nd Sess.), c. 6, s. 1, *part*; 1976, c. 37, s. 6 (1).

(2) Subsection (1) does not apply to an operator of a vehicle of a class or type prescribed by the regulations who produces evidence that the vehicle has met the inspection requirements and performance standards of a reciprocating province or state designated by the regulations. 1979, c. 57, s. 3.

Where
subs. (1)
does not
apply

(3) Where the device required by subsection (1) is not displayed as prescribed by the regulations, a constable or officer appointed for the purposes of carrying out the provisions of this Act may seize the number plates of the vehicle. 1975 (2nd Sess.), c. 6, s. 1, *part*; 1976, c. 37, s. 6 (2).

Removal
of plates
by officer

69. No person shall issue a safety standards certificate or affix a vehicle inspection sticker except a certificate or sticker provided by the Ministry. 1975 (2nd Sess.), c. 6, s. 1, *part*.

Certificates
and
stickers
provided by
Ministry

70. The Lieutenant Governor in Council may make regulations,

Regulations
re
inspection
of vehicles

- (a) prescribing the types or classes of vehicles requiring the device mentioned in section 68;
- (b) designating reciprocating provinces and states and prescribing types and classes of vehicles for the purposes of subsection 68 (2);
- (c) prescribing the methods and procedures relating to the use or issue of a device as evidence that the prescribed inspection procedures, inspection requirements and performance standards have been complied with;
- (d) prescribing the period of time for which the device referred to in clause (c) shall be valid and the manner of affixing and displaying the device;
- (e) prescribing the times that vehicles shall be submitted to inspection; and
- (f) defining for purposes of the regulations any word or expression used in the Act or regulations. 1975 (2nd Sess.), c. 6, s. 1, *part*; 1979, c. 57, s. 4.

71. In this section and in sections 72 to 84,

Interpre-
tation

- (a) "Director" means the Director of Vehicle Inspection Standards appointed under section 72;

- (b) "licensee" means a person who is the holder of a motor vehicle inspection station licence issued under section 75;
- (c) "motor vehicle inspection mechanic" means a person who certifies by means of a safety standards certificate that a motor vehicle complies with the equipment and performance standards prescribed by the regulations;
- (d) "motor vehicle inspection station" means any premises maintained or operated for the inspection of motor vehicles and the issuance of safety standards certificates in respect of such motor vehicles;
- (e) "registrant" means a person who is registered as a motor vehicle inspection station mechanic under section 76;
- (f) "vehicle inspection record" means a form required to be completed in accordance with the regulations prior to the issue of a vehicle inspection sticker;
- (g) "vehicle inspection sticker" means the device issued as evidence that the inspection requirements and performance standards referred to in section 68 have been complied with. 1973, c. 167, s. 8, *part*; 1975 (2nd Sess.), c. 6, s. 2.

Director

72. The Minister shall appoint an officer of the Ministry to be the Director of Vehicle Inspection Standards for purposes of sections 71 to 84. 1973, c. 167, s. 8, *part*.

Safety
standards
certificate

73.—(1) No person shall sell a used motor vehicle unless,

- (a) on the delivery of the vehicle to the purchaser, the seller gives to the purchaser a safety standards certificate that was issued upon an inspection that was completed in respect of the motor vehicle not more than thirty days before the date of the delivery of the used motor vehicle to the purchaser; or
- (b) the seller forwards to the Ministry the notice required under subsection 12 (2) together with the current number

plates and permit issued with respect to the motor vehicle. 1973, c. 167, s. 8, *part*.

(2) A person who applies to transfer the permit, other than a CAVR cab card, issued in respect of a used motor vehicle shall, Transfer of permit

(a) deliver to the Ministry a safety standards certificate that was issued in respect of the vehicle not more than thirty-six days before the date of the application; or

(b) forward to the Ministry notice of the transfer of the vehicle in the form referred to in subsection 12 (2) together with the current number plates and permit issued with respect to the motor vehicle. 1973, c. 167, s. 8, *part*; 1980, c. 71, s. 12 (1).

(3) The Ministry shall not issue a permit, other than a CAVR cab card, or number plates to any person upon an application to transfer the permit issued in respect of a motor vehicle or upon an application to register a used motor vehicle that is registered in another jurisdiction unless there is delivered to the Ministry a safety standards certificate issued upon an inspection that was completed in respect of the motor vehicle not more than thirty-six days before the date of the application. 1973, c. 167, s. 8, *part*; 1980, c. 71, s. 12 (2).

(4) Subsection (3) does not apply to an application, Exception

(a) to transfer the permit issued in respect of a motor vehicle registered in Ontario that is transferred,

(i) to the spouse of the owner of the vehicle,

(ii) to the estate of the deceased owner of the vehicle, or

(iii) from the deceased owner or the estate of the deceased owner of the vehicle to the deceased owner's spouse; or

(b) to register a commercial motor vehicle, other than a dump truck, that is registered in another jurisdiction and owned by a person who does not reside in Ontario. 1973, c. 167, s. 8, *part*; 1975 (2nd Sess.), c. 6, s. 3.

(5) Upon receipt of the notice together with the number plates and permit pursuant to clause (1) (b) or clause (2) (b), the Ministry Issue of permit when certificate not produced

shall issue a permit marked "unfit motor vehicle" and shall not issue number plates under Part II for the motor vehicle until application is made therefor together with a safety standards certificate that was issued in respect of an inspection of the motor vehicle completed not more than thirty days before the date of the application. 1973, c. 167, s. 8, *part*.

Sale or
transfer to
motor vehicle
dealer or
holder of
exemption
certificate
R.S.O. 1980,
c. 299

(6) Subsections (1), (2) and (3) do not apply to the sale or transfer of a used motor vehicle to a motor vehicle dealer who,

(a) is registered under the *Motor Vehicle Dealers Act*; or

(b) holds an exemption certificate issued by the Registrar issued pursuant to that Act. 1977, c. 54, s. 8.

Issue of
safety
standards
certificate

74.—(1) No person other than a licensee or a person authorized in writing by the licensee shall issue a safety standards certificate. 1973, c. 167, s. 8, *part*.

Affixing
vehicle
inspection
sticker

(2) No person other than a licensee, a motor vehicle inspection mechanic or a person authorized in writing by the licensee shall affix a vehicle inspection sticker to a vehicle. 1975 (2nd Sess.), c. 6, s. 4 (1).

Prerequisite
for issue of
safety
standards
certificate
or affixing
vehicle
inspection
sticker

(3) A safety standards certificate in respect of a motor vehicle shall not be issued or a vehicle inspection sticker affixed to a vehicle unless,

(a) the vehicle has been inspected by a motor vehicle inspection mechanic in the motor vehicle inspection station and the vehicle is found to comply with the inspection requirements and performance standards prescribed by the regulations; and

(b) the safety standards certificate or a vehicle inspection record,

(i) is made by the motor vehicle inspection mechanic who inspected the vehicle, and

(ii) is countersigned by the licensee or a person authorized in writing by the licensee. 1975 (2nd Sess.), c. 6, s. 4 (2); 1976, c. 37, s. 7.

Motor
vehicle
inspection
station
licence

75.—(1) No person shall establish, operate or maintain a motor vehicle inspection station except under the authority

of a licence issued by the Director under this Act and the Director may issue a licence for a motor vehicle inspection station subject to such conditions as the Director may specify in the licence.

(2) Subject to subsection (3), any person who applies in accordance with this Act and the regulations for a licence to establish, operate or maintain a motor vehicle inspection station and who meets the requirements of this Act and the regulations and who pays the prescribed fee is entitled to be issued the licence. Issuance of licence

(3) Subject to section 79, the Director may refuse to issue a motor vehicle inspection station licence where, in his opinion, Grounds for refusal

(a) the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors affords reasonable grounds for belief that the motor vehicle inspection station will not be operated in accordance with the law and with honesty and integrity;

(b) the proposed motor vehicle inspection station or its operation would contravene this Act or the regulations or any other Act or regulation or any municipal by-law respecting its establishment or location;

(c) the applicant is not competent to operate a motor vehicle inspection station in accordance with this Act and the regulations;

(d) the equipment and premises are not suitable for the performance of the inspections for which the licence is sought.

(4) A motor vehicle inspection station licence expires with the 31st day of December in the year in which it is issued and a renewal shall be issued where the applicant is not disqualified under subsection (8). Expiration and renewal of motor vehicle inspection station licence

(5) A motor vehicle inspection station licence is not transferable. Not transferable

(6) It is a condition of a motor vehicle inspection station licence that the operation of the motor vehicle inspection station be under the charge and control of the licensee. Operator named in licence

Notice
of change

(7) Where the licensee is a corporation, the corporation shall notify the Director in writing within fifteen days of any change in the officers or directors of the corporation. 1973, c. 167, s. 8, *part*.

Revocation
of licence

(8) The Director may revoke or refuse to renew a motor vehicle inspection station licence where,

- (a) any person has made a false statement in the application for the licence or a renewal thereof or in any safety standards certificate signed by the licensee or a person authorized in writing by the licensee or in any report, document or other information required to be furnished by this Act or the regulations or any other Act or regulation that applies to the motor vehicle inspection station;
- (b) any inspection authorized by the licence is incompetently performed;
- (c) the licensee or any motor vehicle inspection mechanic employed in the motor vehicle inspection station has misrepresented the condition of a vehicle with respect to the standards of equipment and performance prescribed by the regulations upon an inspection of the vehicle in the station for the purpose of determining whether or not to issue a safety standards certificate, sign a vehicle inspection record or affix a vehicle inspection sticker;
- (d) there is a breach of a condition of the licence;
- (e) the licensee does not comply with this Act or the regulations;
- (f) the inspections that can be performed by the motor vehicle inspection station are misrepresented; or
- (g) a change in the officers or directors of any corporation that is a licensee would afford grounds for refusing to issue a motor vehicle inspection station licence under clause (3) (a). 1973, c. 167, s. 8, *part*; 1975 (2nd Sess.), c. 6, s. 5.

Motor
vehicle
inspection
mechanic

76.—(1) No person shall sign a vehicle inspection record as mechanic or certify in a safety standards certificate that a vehicle complies with the standards of equipment and performance prescribed by the regulations unless he is registered by the Director as a motor vehicle inspection

mechanic in a motor vehicle inspection station and the Director may so register any person for whom application is made pursuant to subsection (2). 1975 (2nd Sess.), c. 6, s. 6 (1).

(2) Where a licensee or an applicant for a motor vehicle inspection station licence applies for the registration as a motor vehicle inspection mechanic in the motor vehicle inspection station of the licensee or in the proposed motor vehicle inspection station of the applicant for a licence, as the case may be, of any person who meets the requirements of this Act and the regulations, such person is entitled to be registered as a motor vehicle inspection mechanic in the motor vehicle inspection station. 1973, c. 167, s. 8, *part*. Registration

(3) The registration of a motor vehicle inspection mechanic expires with the licence of the motor vehicle inspection station to which the mechanic is registered. 1975 (2nd Sess.), c. 6, s. 6 (2). Expiration of registration

(4) Subject to section 79, the Director may refuse to register a motor vehicle inspection mechanic where, in his opinion, Grounds for refusal

(a) the past conduct of the mechanic affords reasonable grounds for belief that the mechanic will not act as a motor vehicle inspection mechanic in accordance with the law and with honesty and integrity; or

(b) the mechanic is not competent to act as a motor vehicle inspection mechanic. 1973, c. 167, s. 8, *part*.

77. The Director may revoke the registration of a motor vehicle inspection mechanic where, Revocation of registration

(a) the registrant or the licensee has made a false statement in the application for registration of the registrant or in a safety standards certificate or in any report, document or other information required to be furnished by this Act or the regulations or any other Act or regulation that applies to the registrant;

(b) any inspection performed under the authority of his registration is incompetently performed by the registrant; or

- (c) the registrant does not comply with this Act or the regulations. 1973, c. 167, s. 8, *part*.

Hearing re
terms of
licence

78.—(1) Where the Director issues a licence under this Act and the licensee is dissatisfied with the conditions thereof prescribed by the Director, he may by written notice given to the Director and the Board require a hearing by the Board, and the Board shall appoint a time for and hold a hearing.

Decision
of Board

(2) After a hearing under subsection (1), the Board may affirm the conditions prescribed for the licence by the Director or may cancel such conditions or may prescribe such other conditions for the licence in the place of those prescribed by the Director as it considers proper and such conditions shall be conditions of the licence. 1973, c. 167, s. 8, *part*.

Proposal to
refuse to
issue or
revoke

79.—(1) Where the Director proposes,

- (a) to refuse to issue or renew a licence;
- (b) to refuse to make a registration; or
- (c) to revoke a licence or registration,

the Director shall serve notice of his proposal, together with written reasons therefor,

- (d) in the case of a proposal to refuse to issue a licence, upon the applicant;
- (e) in the case of a proposal to revoke or to refuse to renew a licence, upon the licensee;
- (f) in the case of a proposal to refuse to make a registration, upon the applicant or licensee and upon the proposed registrant; and
- (g) in the case of a proposal to revoke a registration, upon the registrant and the licensee of the motor vehicle inspection station in which the registrant is employed.

Notice

(2) A notice under subsection (1) shall inform the applicant, licensee, registrant or proposed registrant, as the case may be, that he is entitled to a hearing by the Board if he mails or delivers, within fifteen days after the notice under subsection (1) is served on him, notice in writing to the Director and the Board requiring a hearing by the Board and he may so require such a hearing.

(3) Where the applicant, licensee, registrant or proposed registrant does not require a hearing by the Board in accordance with subsection (2), the Director may carry out the proposal stated in the notice under subsection (1). Powers of Director where no hearing

(4) Where the applicant, licensee, registrant or proposed registrant requires a hearing by the Board in accordance with subsection (2), the Board shall appoint a time for and shall hold the hearing and may by order direct the Director to carry out his proposal or refrain from carrying out his proposal and to take such action as the Board considers the Director ought to take in accordance with this Act and the regulations, and for such purposes the Board may substitute its opinion for that of the Director. Power of Board where hearing

(5) The Board may extend the time for the giving of notice requiring a hearing by the applicant, licensee, registrant or proposed registrant, under this section either before or after the expiration of such time where it is satisfied that there are *prima facie* grounds for granting relief to the applicant, licensee, registrant or proposed registrant, pursuant to a hearing and that there are reasonable grounds for applying for the extension, and the Board may give such directions as it considers proper consequent upon the extension. Extension of time for requiring hearing

(6) Where, within the time prescribed therefor or, if no time is prescribed, before the expiry of the licence, the licensee has applied for renewal of the licence and paid the prescribed fee, the licence shall be deemed to continue, Continuation of licence pending renewal

(a) until the renewal is granted; or

(b) where he is served with notice that the Director proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing by the Board has expired and, where a hearing is required, until the Board has made its decision. 1973, c. 167, s. 8, *part.*

80.—(1) The Director, the applicant, licensee, registrant or proposed registrant who has required the hearing and such other persons as the Board may specify are parties to proceedings before the Board under this Act. Parties

(2) Notice of a hearing under section 78 or 79 shall afford the applicant, licensee, registrant or proposed registrant a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence or for the registration or continuation of the registration, as the case may be. Notice of hearing

Examination
of docu-
mentary
evidence

(3) Any party to proceedings under section 78 or 79 shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Members
holding
hearing not
to have taken
part in
investiga-
tion, etc.

(4) Members of the Board holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Recording of
evidence

(5) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies of a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Findings
of fact

(6) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of the *Statutory Powers Procedure Act*.

R.S.O. 1980,
c. 484

Only mem-
bers at
hearing to
participate
in decision

(7) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

Release of
documentary
evidence

(8) Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Board within a reasonable time after the matter in issue has been finally determined.

Appeal
to court

(9) Any party to the proceedings before the Board may appeal from its decision or order to the Divisional Court in accordance with the rules of court.

Record to
be filed
in court

(10) Where any party appeals from a decision or order of the Board, the Board shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision was made, which, together with the transcript of evidence if it is not part of the Board's record, shall constitute the record in the appeal.

(11) The Minister is entitled to be heard, by counsel ^{Minister entitled to be heard} or otherwise, upon the argument of an appeal under this section.

(12) An appeal under this section may be made on ^{Powers of court on appeal} questions of law or fact or both and the court may affirm or may rescind the decision of the Board and may exercise all powers of the Board to direct the Director to take any action which the Board may direct him to take and as the court considers proper and for such purposes the court may substitute its opinion for that of the Director or of the Board, or the court may refer the matter back to the Board for rehearing, in whole or in part, in accordance with such directions as the court considers proper. 1973, c. 167, s. 8, *part*.

81. Except where otherwise provided, any notice required by ^{Service of notice} sections 71 to 80 or the regulations to be served may be served personally or by registered mail addressed to the person to whom notice is to be given at his latest known address and, where notice is served by registered mail, the service shall be deemed to have been made on the fifth day after the day of mailing unless the person to whom notice is given establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice until a later date. 1973, c. 167, s. 8, *part*.

82.—(1) The Minister may appoint one or more persons as ^{Appointment of inspectors} inspectors for the purposes of sections 71 to 83 and the regulations and such appointments shall be in writing.

(2) The Minister shall issue every inspector appointed ^{Certificate of appointment} under subsection (1) a certificate of his appointment and every inspector, in the execution of his duties under this section and the regulations, shall produce his certificate of appointment upon request.

(3) An inspector may at all reasonable times inspect ^{Powers of inspectors} the premises, operations and all records of all motor vehicle inspection stations to ensure that the provisions of sections 71 to 76 and the regulations are complied with.

(4) Upon an inspection under this section, the inspector ^{Idem} may upon giving a receipt therefor remove any material referred to in subsection (3) that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the licensee of the motor vehicle inspection station.

Admissi-
bility of
copies

(5) Any copy made as provided in subsection (4) and purporting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original.

Obstruction

(6) No person shall obstruct the inspector or withhold or destroy, conceal or refuse to furnish any information or thing required by the inspector for the purposes of the inspection. 1973, c. 167, s. 8, *part*.

Penalty

83.—(1) Any person who contravenes any provision of sections 71 to 82 or the regulations made under section 84 is guilty of an offence and on conviction is liable to a fine of not less than \$50 and not more than \$500. 1973, c. 167, s. 8, *part*.

Idem

(2) Any person who makes a false statement in a safety standards certificate is guilty of an offence and on conviction is liable to a fine of not less than \$50 and not more than \$500. 1973, c. 167, s. 8, *part*.

Report on
conviction
to Director

(3) A provincial judge or justice of the peace who makes a conviction for an offence under sections 71 to 82 or any regulation made under section 84, or the clerk of the court in which the conviction is made, shall forthwith certify the conviction to the Director setting out the name, address and description of the person convicted and the provision of this Act contravened. 1974, c. 123, s. 16.

Regulations

84. The Lieutenant Governor in Council may make regulations,

- (a) prescribing the form and content of safety standards certificates;
- (b) prescribing inspection procedures, inspection requirements and equipment and performance standards of those items to be inspected for a safety standards certificate or a vehicle inspection sticker;
- (c) governing the safety, equipment, premises, maintenance and operation of motor vehicle inspection stations;
- (d) prescribing forms for the purposes of sections 71 to 82 and this section and providing for their use;
- (e) prescribing conditions that shall attach to motor vehicle inspection station licences or the registrations of motor vehicle inspection mechanics or any class of either of them;

- (f) classifying vehicles, motor vehicle inspection stations and motor vehicle inspection mechanics for the purposes of sections 71 to 76;
- (g) prescribing fees that shall be paid upon applications for motor vehicle inspection station licences and upon the issuance of such licences or renewals thereof and upon applications for and the registration of motor vehicle inspection mechanics;
- (h) prescribing the amount that shall be paid to the Ministry for forms of safety standards certificates and vehicle inspection stickers;
- (i) prescribing the books, records and accounts that shall be kept by licensees;
- (j) governing the reports and returns that shall be made to the Director by licensees and registrants;
- (k) prescribing the qualifications of motor vehicle inspection mechanics;
- (l) prescribing other duties of inspectors;
- (m) prescribing the form, size and content of signs that identify motor vehicle inspection stations and governing the use of such signs;
- (n) requiring and governing the return to the Ministry of unused forms of safety standards certificates, vehicle inspection records and vehicle inspection stickers and providing for refunds of amounts paid for such forms of certificates and stickers;
- (o) requiring and governing the return to the Ministry of signs provided by the Ministry to identify motor vehicle inspection stations. 1973, c. 167, s. 8, *part*; 1975 (2nd Sess.), c. 6, s. 7.

85. The Lieutenant Governor in Council may make regulations, Regulations
re accessories
and
ornaments

- (a) requiring the use of any accessory, or any type or class thereof, on vehicles, regulating the use thereof and prescribing the specifications thereof;
- (b) prohibiting the use on vehicles of any accessory or ornament, or any type or class thereof;

- (c) prohibiting the sale or offering for sale of any accessory or ornament, or any type or class thereof, that is designed for use on vehicles;
- (d) designating an organization to test and mark its approval of any accessory designated by the regulations, and prohibiting the installation, sale or purchase of any designated accessory that is not marked as approved by the testing organization. R.S.O. 1970, c. 202, s. 59.

Safety
devices
on vehicles

86.—(1) The Lieutenant Governor in Council may make regulations,

- (a) requiring the use or incorporation of any device or any equipment, in or on any vehicle or any class of vehicle, that may affect the safe operation of the vehicle on the highway or that may reduce or prevent injury to persons using the highway, and prescribing the specifications and regulating the installation thereof;
- (b) designating devices and designating an organization to test and mark its approval of any device so designated, and prohibiting the incorporation or use in or on a vehicle of any device so designated that is not marked as approved by the testing organization;
- (c) prescribing standards or specifications for any vehicles or any class or classes thereof;
- (d) providing for and requiring the identification and marking of vehicles or any class or classes thereof;
- (e) prescribing the types or classes of vehicles to which subsection (3) applies;
- (f) exempting any type or class of vehicle or any class of driver or passenger in a vehicle from the provisions of any regulations made under this section. R.S.O. 1970, c. 202, s. 60 (1); 1973, c. 45, s. 19; 1977, c. 54, s. 10 (1); 1980, c. 71, s. 13.

Codes

(2) Any regulation may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any code, and may require compliance with any code that is so adopted. R.S.O. 1970, c. 202, s. 60 (2).

Prohibition
re sale
where non-
compliance
with
regulations

(3) No person shall sell, offer or expose for sale any new vehicle of a type or class prescribed by the regulations made under clause

(1) (e) that does not comply with the standards and specifications prescribed by the regulations or that is not marked or identified as prescribed by the regulations. 1977, c. 54, s. 10 (2).

(4) Every person who contravenes any of the provisions of this section or of a regulation made under this section is guilty of an offence and on conviction is liable to a fine of not less than \$100 and not more than \$500. R.S.O. 1970, c. 202, s. 60 (3); 1977, c. 54, s. 10 (3). Penalty

87.—(1) Every commercial motor vehicle shall have attached to or painted on both sides of the vehicle in a clearly visible position a sign showing the name of the owner, but the Ministry may by regulation designate any vehicle or classes of vehicles to which this subsection does not apply. R.S.O. 1970, c. 202, s. 61 (1); 1972, c. 1, s. 1. Name of owner on commercial vehicles

(2) Every commercial motor vehicle and every trailer shall have securely attached to the back thereof two red reflectors approved by the Ministry, which shall be located as far apart as practicable, at the same height and in such positions as to reflect the light from the headlights of a vehicle approaching from the rear. 1980, c. 37, s. 10 (1). Reflector

(3) No person shall sell, offer or expose for sale a new commercial motor vehicle or trailer, other than a truck tractor, unless, Lamps and reflectors required on rear of new commercial motor vehicles and trailers

(a) there is affixed to each side of the rear thereof in a conspicuous position a lamp, which when lighted shall display a red light only, which shall be clearly visible for a distance of at least 150 metres from the rear of the vehicle; and

(b) there is affixed to each side of the rear thereof and placed in such a position as to reflect the light from the headlamps of a motor vehicle approaching from the rear a red reflector approved by the Ministry. R.S.O. 1970, c. 202, s. 61 (3); 1972, c. 1, s. 1; 1978, c. 4, s. 10 (2).

(4) Every road-building machine when on a highway shall have attached to or painted on both sides of the machine in a clearly visible position a sign showing the name and address of the owner. R.S.O. 1970, c. 202, s. 61 (4). Name and address of owner on road-building machine

(5) Subsection (4) does not apply to a road-building machine, operated by or on behalf of an authority having jurisdiction and control of the highway, while engaged in construction or maintenance activities on the highway. 1980, c. 37, s. 10 (2). Exemption to subs. (4)

Penalty

(6) Every person who contravenes any of the provisions of subsection (3) is guilty of an offence and on conviction is liable to a fine of not less than \$100 and not more than \$500. R.S.O. 1970, c. 202, s. 61 (5).

Motorcycle
riders, etc.,
to wear
helmets

88.—(1) No person shall ride on or operate a motorcycle or motor assisted bicycle on a highway unless he is wearing a helmet that complies with the regulations. R.S.O. 1970, c. 202, s. 62 (1); 1975, c. 78, s. 5.

Regulations

(2) The Lieutenant Governor in Council may make regulations,

(a) prescribing the standards and specifications of helmets referred to in subsection (1);

(b) providing for and requiring the identification and marking of such helmets.

Codes

(3) Any regulation may adopt by reference in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any code, and may require compliance with any code that is so adopted. R.S.O. 1970, c. 202, s. 62 (2, 3).

Sale of new
vehicles
that do not
conform to
federal
standards
prohibited
R.S.C. 1970,
c. 26 (1st Supp.)

89.—(1) No person who deals in motor vehicles, trailers or conversion units shall sell or offer to sell a new motor vehicle, trailer or conversion unit that does not conform to the standards required under the *Motor Vehicle Safety Act* (Canada) or that does not bear the National Safety Mark referred to therein. 1973, c. 45, s. 20, *part*.

Sale of
motor
assisted
bicycles

(2) No person who deals in motor assisted bicycles shall sell a new motor assisted bicycle unless on the delivery of the vehicle to the purchaser, the seller gives to the purchaser a document in a form approved by the Ministry certifying that the vehicle complies with the definition of a motor assisted bicycle. 1975, c. 78, s. 6.

Penalty

(3) Every person who contravenes any provision of subsection (1) is guilty of an offence and on conviction is liable to a fine of not less than \$100 and not more than \$500. 1973, c. 45, s. 20, *part*.

Definition

90.—(1) In this section, "seat belt assembly" means a device or assembly composed of straps, webbing or similar material that restrains the movement of a person in order to prevent or mitigate injury to the person and

includes a pelvic restraint or an upper torso restraint or both of them.

(2) No person shall drive on a highway a motor vehicle in which a seat belt assembly required under the provisions of the *Motor Vehicle Safety Act* (Canada) at the time that the vehicle was manufactured or imported into Canada has been removed, rendered partly or wholly inoperative or modified so as to reduce its effectiveness. Seat belt assembly R.S.C. 1970, c. 28 (1st Supp.)

(3) Subject to subsection (5), every person who drives on a highway a motor vehicle in which a seat belt assembly is provided for the driver shall wear the complete seat belt assembly in a properly adjusted and securely fastened manner. Use of seat belt assembly by driver

(4) Subject to subsection (5), every person who is a passenger on a highway in a motor vehicle in which a seat belt assembly is provided for the seating position occupied by the passenger shall wear the complete seat belt assembly in a properly adjusted and securely fastened manner. 1975 (2nd Sess.), c. 14, s. 1, *part*. Use of seat belt assembly by passenger

(5) Subsections (3) and (4) do not apply to a person, Exemption

- (a) driving a motor vehicle in reverse;
- (b) who holds a certificate signed by a legally qualified medical practitioner certifying that the person is,
 - (i) for the period stated in the certificate, unable for medical reasons to wear a seat belt assembly, or
 - (ii) because of the person's size, build or other physical characteristic, unable to wear a seat belt assembly;
- (c) who is actually engaged in work which requires him to alight from and re-enter a motor vehicle at frequent intervals and who, while engaged in such work, does not drive or travel in that vehicle at a speed exceeding 40 kilometres per hour; or
- (d) under the age of sixteen years. 1975 (2nd Sess.), c. 14, s. 1, *part*; 1977, c. 19, s. 2 (1).

(6) No person shall drive on a highway a motor vehicle in which there is a passenger who has attained the age of two years and is under sixteen years of age Driver to ensure passenger uses seat belt assembly

and occupies a seating position for which a seat belt assembly has been provided unless that passenger is wearing the complete seat belt assembly and it is properly adjusted and securely fastened. 1975 (2nd Sess.), c. 14, s. 1, *part*.

Exception

(7) Subsection (6) does not apply where the passenger,

- (a) is the holder of a certificate signed by a legally qualified medical practitioner certifying that the passenger is,
 - (i) for the period stated in the certificate, unable for medical reasons to wear a seat belt assembly, or
 - (ii) because of the passenger's size, build or other physical characteristic, unable to wear a seat belt assembly;
- (b) is actually engaged in work which requires him to alight from and re-enter the motor vehicle at frequent intervals and the motor vehicle does not travel at a speed exceeding 40 kilometres per hour; or
- (c) is occupying and properly secured in child seating and restraint systems prescribed under the regulations. 1975 (2nd Sess.), c. 14, s. 1, *part*; 1977, c. 19, s. 2 (2).

Regulations

(8) The Lieutenant Governor in Council may make regulations,

- (a) requiring the use of child seating and restraint systems in motor vehicles on highways and prescribing the specifications thereof;
- (b) providing for the exemption from any of the provisions of this section of,
 - (i) any type or class of motor vehicles,
 - (ii) any class of drivers or passengers in motor vehicles. 1975 (2nd Sess.), c. 14, s. 1, *part*.

PART VI

LOAD AND DIMENSIONS

Interpretation

91. In this Part,

- (a) "over-dimensional farm vehicle" means a farm tractor, self-propelled implement of husbandry, im-

plement of husbandry, or any combination of them, having a weight, width, length or height in excess of the limits provided in this Part or Part VII;

- (b) "semi-trailer" means a trailer designed to be operated with the forward part of its body or chassis resting upon the body or chassis of a towing vehicle. 1977, c. 65, s. 1, *part*.

92.—(1) Subject to section 93, no vehicle including load Width of vehicle or contents shall have a greater width than 2.6 metres while on a highway except,

- (a) traction engines, which may have a total width not exceeding 2.8 metres; or

- (b) motor vehicles and road-building machines, operated by or on behalf of a municipality or other authority having jurisdiction and control of a highway, where such vehicles are engaged in road maintenance, including the removal of snow from a highway. 1977, c. 65, s. 2, *part*; 1978, c. 4, s. 11 (1); 1978, c. 24, s. 6 (2); 1979, c. 57, s. 5.

(2) Subject to section 93, no load on a vehicle shall have Width of load a greater width than 2.6 metres while on a highway except,

- (a) loads of raw forest products which shall not exceed a total width of 2.7 metres at point of origin and which shall not exceed a total width of 2.8 metres at any time during transit; or

- (b) loads of loose fodder. 1977, c. 65, s. 2, *part*; 1978, c. 4, s. 11 (2); 1978, c. 90, s. 4.

(3) Where a commercial motor vehicle is equipped with one or more rear vision mirrors that extend in whole or in part beyond either side of the vehicle, or one or more lamps, required by this Act, that extend in whole or in part beyond either side of the vehicle, the amount of such extension shall not be included in determining the maximum width of the vehicle under subsection (1). 1977, c. 65, s. 1, *part*. Rear vision mirrors and lamps not included

(4) Where a bus is equipped with rear vision mirrors, side marker lamps, side marker reflectors, side mounted turn indicators or rubber fenders around the outer edges of its wheel housings, any of which extend in whole or in part beyond either side of the vehicle, the amount of such extension shall not be included in determining the maximum width of the vehicle under subsection (1). 1980, c. 37, s. 11 (1). Rear vision mirrors, lamps, etc., not included in width of bus

(5) Where a commercial motor vehicle or trailer is equipped with a load covering mechanism, extensions in the width of such Load covering mechanism not included in width

vehicle caused by the mechanism shall not be included in determining the width of the vehicle under subsection (1) where the mechanism does not extend the width of the vehicle on either side by more than 102 millimetres. 1977, c. 65, s. 1, *part*; 1978, c. 4, s. 11 (3).

Length of
vehicle or
combina-
tion

(6) Subject to section 93, no vehicle, other than a fire apparatus, a semi-trailer, or a bus, including load, shall exceed the length of eleven metres while on a highway, and no combination of vehicles, including load, coupled together shall exceed the total length of twenty-one metres while on a highway. 1977, c. 65, s. 2, *part*; 1978, c. 4, s. 11 (4).

Length of
semi-
trailer

(7) Subject to section 93, no semi-trailer, other than a semi-trailer designed for the carriage of vehicles, shall exceed the length of fourteen metres while on a highway and any extension in the length of a semi-trailer caused by auxiliary equipment or machinery that is not designed for the transportation of goods shall not be included in determining the length thereof. 1977, c. 65, s. 2, *part*; 1978, c. 4, s. 11 (5).

Length
of bus

(8) No bus, other than an articulated bus, shall exceed the length of 12.5 metres while on a highway, but an increase in the length of a bus caused by the addition of a liquid filled or other energy-absorbing bumper shall not be included in determining the length of the bus. 1977, c. 65, s. 2, *part*; 1978, c. 4, s. 11 (6); 1980, c. 37, s. 11 (2).

Restricting
length of
combina-
tion of
vehicles

(9) The council of a city may by by-law prohibit the operation of a combination of vehicles having a total length, including load, in excess of 15.25 metres while on a highway or a portion thereof under its jurisdiction designated in the by-law. 1977, c. 65, s. 1, *part*; 1978, c. 4, s. 11 (7).

Height of
vehicle

(10) Subject to section 93, no vehicle including load, shall have a greater height than 4.15 metres while on a highway. 1977, c. 65, s. 2, *part*; 1978, c. 4, s. 11 (8).

Penalty

(11) Every person who contravenes any of the provisions of this section is guilty of an offence and on conviction is liable to a fine of not less than \$100 and not more than \$500 and, in addition, the permit issued for the vehicle under section 7 may be suspended for not more than six months. 1977, c. 65, s. 1, *part*.

Permits

93.—(1) The municipal corporation or other authority having jurisdiction over the highway may, upon application in writing, grant a permit for the moving of heavy vehicles,

loads, objects or structures in excess of the dimensional limits set out in section 92 or the weight limits set out in Part VII.

(2) The permit referred to in subsection (1) may be general, or may limit the time and the particular highway that may be used, and may contain conditions relating to the protection of persons and property from injury or damage and the municipal corporation or other authority may require a bond or other security sufficient to cover the cost of repairing any possible damage to the highway.

Permits,
general or
limited

(3) The council of any municipality may, by by-law provide that a permit referred to in subsection (1) may be issued by an officer of the corporation named therein.

Who may
issue

(4) In the case of a vehicle for which a permit is required under this section in order to pass over a highway or highways under the jurisdiction of two or more municipalities or other authorities, the permit so to do may be issued by the Ministry, which permit is in lieu of the several permits to be otherwise obtained from the municipal corporations or other authorities, and the permit may limit the time and the particular highway or highways that may be used, and may contain any special conditions or provisions that may be considered necessary to protect the highways from damage, and the Ministry may require a bond or other security sufficient to cover the cost of repairing possible damage to the highway.

Issue of
permit by
Ministry

(5) The owner, operator or mover of a heavy vehicle, load, object or structure in respect of which a permit is granted under this section is nevertheless responsible for all damages that may be caused to the highway by reason of the driving, operating or moving of any such heavy vehicle, load, object or structure.

Responsi-
bility for
damages
caused to
highway

(6) It is a condition of every permit issued under this section that the original of the permit be carried in the vehicle for which the permit was issued and be produced when demanded by a police officer or an officer appointed for carrying out the provisions of this Act.

Condition
of permit

(7) Every person who operates or permits the operation of a vehicle or combination of vehicles contrary to any of the conditions of the permit is guilty of an offence and on conviction is liable to a fine of not less than \$100 and not more than \$500 and, in addition, if the condition contravened is in respect of any weight allowed under the permit, a fine shall be imposed as if

Penalty

the person had not been issued a permit under this section and had been convicted of an offence under section 99, 100 or 101 in respect of any gross vehicle weight, axle unit weight or axle group weight in excess of the maximum allowable weights permitted under this Act or the regulations. 1977, c. 65, s. 1, *part*.

Over-
hanging
load

94.—(1) Every vehicle carrying a load which overhangs the rear of the vehicle to the extent of 1.5 metres or more while on a highway shall display upon such overhanging load at the extreme rear end thereof at any time from one-half hour after sunset to one-half hour before sunrise, or at any other time when there is insufficient light or unfavourable atmospheric conditions, a red light, and at all other times a red flag or a red marker sufficient to indicate the projection of the load. 1977, c. 65, s. 1, *part*; 1978, c. 4, s. 12.

Loading of
motor
vehicle, etc.

(2) No person shall operate or permit to be operated upon a highway any motor vehicle or trailer unless the load that the vehicle or trailer is carrying is firmly bound, sufficiently covered, or otherwise secured or loaded, in such manner that no portion of the load may become dislodged or fall from the motor vehicle or trailer. 1977, c. 65, s. 1, *part*; 1979, c. 57, s. 6.

Regulations

(3) The Lieutenant Governor in Council may make regulations,

- (a) prescribing the manner of loading, and of covering and securing loads on vehicles or classes of vehicles operated on highways or classes of highways;
- (b) designating the vehicles or classes of vehicles and the highways or classes of highways to which any loading, covering or securing provisions are to apply; and
- (c) prescribing classes of vehicles, highways and loads for the purposes of clauses (a) and (b).

Penalty

(4) Every person who contravenes any of the provisions of this section or of a regulation made under subsection (3) is guilty of an offence and on conviction is liable to a fine of not less than \$50 and not more than \$100 and, in addition, his driver's licence issued under section 18 and his permit issued under section 7 may be suspended for a period of not more than sixty days. 1977, c. 65, s. 1, *part*.

Regulations
re carriage
of
explosives,
etc.

95.—(1) The Lieutenant Governor in Council may make regulations,

- (a) classifying and defining explosives and dangerous materials;
- (b) regulating or prohibiting the transportation of explosives and dangerous materials or any class thereof by a vehicle on a highway;
- (c) regulating the preparation and packaging of explosives and dangerous materials or any class thereof to be transported by a vehicle on a highway; and
- (d) requiring the labelling of packages and containers of explosives and dangerous materials or any class thereof and prescribing the labels to be attached to such packages and containers.

(2) Any regulation made under subsection (1) may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary any code or standard, or any regulation made by the Government of Canada, and may require compliance with any code, standard or regulation that is so adopted.

Code, etc.,
may be
adopted by
reference

(3) Every person who contravenes any of the provisions of a regulation made under this section is guilty of an offence and on conviction is liable to a fine of not less than \$100 and not more than \$500 or to imprisonment for a term of not more than three months, or to both. 1977, c. 65, s. 1, *part*.

Penalty

96.—(1) The provisions of this Part, other than regulations made under this section, do not apply to over-dimensional farm vehicles.

Over-
dimensional
farm
vehicles
exempt

(2) The Lieutenant Governor in Council may make regulations,

Regulations

- (a) regulating or prohibiting the movement of over-dimensional farm vehicles or classes thereof on a highway or on classes of highways;
- (b) requiring that escort vehicles or classes of escort vehicles accompany over-dimensional farm vehicles or classes thereof on a highway or classes of highways;
- (c) prescribing the types, specifications and locations of markings, signs and lights that shall be carried by

over-dimensional farm vehicles and escort vehicles or classes of either or both of them on a highway or classes of highways;

- (d) prescribing conditions for the movement of over-dimensional farm vehicles on a highway or classes of highways relating to the protection of persons and property from injury or damage. 1977, c. 65, s. 1, *part.*

PART VII

WEIGHT

Interpre-
tation

97.—(1) In this Part,

- (a) "axle" means an assembly of two or more wheels whose centres are in one transverse vertical plane and which are transmitting weight to the highway;
- (b) "axle group weight" means that part of the gross vehicle weight in kilograms transmitted to the highway by a two axle group, three axle group or four axle group;
- (c) "axle unit" means any single axle, dual axle or triple axle;
- (d) "axle unit weight" means that part of the gross vehicle weight in kilograms transmitted to the highway by an axle unit;
- (e) "Class A Highway" means a highway designated as such by the Minister;
- (f) "Class B Highway" means a highway not designated by the Minister as a Class A Highway;
- (g) "dual axle" means any two consecutive axles whose centres are more than one metre apart and that,
- (i) are articulated from a common attachment to the vehicle, or
 - (ii) are designed to automatically equalize the load between the two axles;
- (h) "four axle group" means four consecutive axles, not including the front axle of a motor vehicle,

- (i) that are entirely within either a motor vehicle or trailer or semi-trailer, and
 - (ii) in which the spacings between the consecutive axles do not exceed 2.5 metres;
- (i) "front axle" means the front axle unit of a motor vehicle;
- (j) "gross vehicle weight" means the total weight in kilograms transmitted to the highway by a vehicle, or combination of vehicles, and load;
- (k) "over-dimensional farm vehicles" means the same as it does in Part VI;
- (l) "semi-trailer" means the same as it does in Part VI;
- (m) "single axle" means one or more axles whose centres are included between two parallel transverse vertical planes one metre apart;
- (n) "tank-truck" means a commercial motor vehicle to which there is attached or upon which there has been placed either permanently or otherwise a closed tank having a capacity of 2.3 kilolitres or more;
- (o) "three axle group" means three consecutive axles, not including the front axle of a motor vehicle,
- (i) that do not form a triple axle within the meaning of clause (p),
 - (ii) that are entirely within either a motor vehicle or trailer or semi-trailer,
 - (iii) in which the spacings between the consecutive axles do not exceed 2.5 metres, and
 - (iv) which are not included in a four axle group within the meaning of clause (h);
- (p) "triple axle" means any three consecutive axles that,
- (i) have their consecutive centres equally spaced, and

- (ii) have their consecutive centres more than one metre apart,

and that,

- (iii) are articulated from an attachment to the vehicle common to the consecutive axles, or
 - (iv) are designed to automatically equalize the load between the three axles under all conditions of loading;
- (q) "two axle group" means two consecutive single axles, not including the front axle of a motor vehicle,
- (i) that are entirely within either a motor vehicle or trailer or semi-trailer,
 - (ii) in which the spacing between the consecutive axles is less than two metres, and
 - (iii) which are not included in a three axle group within the meaning of clause (o) or a four axle group within the meaning of clause (h). 1977, c. 65, s. 3, *part*; 1978, c. 4, s. 13.

Designation
by Minister

(2) The Minister may designate a highway as a Class A Highway. 1977, c. 65, s. 3, *part*.

Application
of Part

(3) The provisions of this Part do not apply to over-dimensional farm vehicles or to motor vehicles or to road building machines operated by or on behalf of a municipality or other authority having jurisdiction over highways when the vehicle or machine is equipped with a snow clearing device. 1977, c. 65, s. 3, *part*; 1978, c. 90, s. 5.

Consecutive
axles

(4) Where three consecutive axles that are articulated from an attachment to the vehicle common to the consecutive axles are not a triple axle within the meaning of clause (1) (p) because their consecutive centres are not equally spaced, that one of the three consecutive axles that is most remote from the centre axle of the consecutive axles shall be deemed to be a single axle and the other two axles shall be deemed to be a dual axle.

Idem

(5) Where three consecutive axles that are not articulated from an attachment to the vehicle common to the consecutive axles are not a triple axle within the meaning of clause (1) (p) because their consecutive centres are not equally spaced, any two of the axles that are articulated from an attachment to the vehicle common to the two axles shall be deemed to be a dual axle and the third of the three axles shall be deemed to be a single axle.

(6) The spacing between axles is the shortest distance Spacing between axles between the centre of rotation of one axle and the centre of rotation of the other.

(7) For the purposes of Tables 1 and 2, the axle spacing Axle spacing distance is the distance measured between the outer axles forming an axle unit.

(8) For the purposes of Tables 3, 4 and 5, the axle group Idem spacing is the distance measured between the outer axles forming a two axle group, three axle group or four axle group. 1977, c. 65, s. 3, *part*.

98.—(1) Subject to section 93, no vehicle,

Restrictions as to weight on tires

- (a) equipped with tires of less than 150 millimetres in width where the weight upon any millimetre in the width of the tire exceeds nine kilograms; or
- (b) equipped with tires of 150 millimetres or more in width where the weight upon any millimetre in the width of the tire exceeds eleven kilograms,

shall be operated on a highway. 1977, c. 65, s. 3, *part*; 1978, c. 4, s. 14.

(2) For the purpose of this section, where a tire width How tire width ascertained has been marked thereon by the manufacturer, the width of the tire shall be deemed to be as so marked. 1977, c. 65, s. 3, *part*.

99.—(1) Subject to section 93, no vehicle or combination of vehicles, unless exempted under the regulations, shall be operated on a Class A Highway where the axle unit weight Maximum allowable axle unit weights on an axle unit, whether or not part of any axle group, exceeds,

- (a) for a single axle with single tires, 9,000 kilograms;
- (b) for a single axle with dual tires, 10,000 kilograms;
- (c) for a dual axle, that weight shown in Column 2 opposite the corresponding axle spacing shown in Column 1 of Table 1; or
- (d) for a triple axle, that weight shown in Column 2 opposite the corresponding axle spacing shown in Column 1 of Table 2. 1977, c. 65, s. 3, *part*; 1978, c. 4, s. 15 (1).

(2) Notwithstanding subsection (1), the maximum allowable Restriction of weights allowed under subs. (1) axle unit weight for a dual axle shall not exceed 18,000

kilograms unless the axle is equipped with dual tires. 1977, c. 65, s. 3, *part*; 1978, c. 4, s. 15 (2).

Idem

(3) Notwithstanding subsection (1), the maximum allowable axle unit weight for a triple axle shall not exceed 27,000 kilograms unless the axle is equipped with dual tires. 1977, c. 65, s. 3, *part*; 1978, c. 4, s. 15 (3).

Idem

(4) Notwithstanding subsection (1), the maximum allowable axle unit weight for a single front axle shall not exceed 5,000 kilograms unless the driver of the vehicle or combination of vehicles has with him a verification in writing as to the manufacturer's gross axle weight rating for such single front axle.

Production
of
verification

(5) The driver of a vehicle or combination of vehicles being operated on a Class A Highway who has the verification referred to in subsection (4) shall produce it when so demanded by a police officer or an officer appointed for carrying out the provisions of this Act, and, where it is so demanded and not produced, the driver shall be deemed to not have the verification.

Maximum
allowable
axle unit
weight

(6) Where subsection (4) does not apply because the driver has the verification referred to in subsection (4), then subject to subsection (1), the maximum allowable axle unit weight on the single front axle shall not exceed the manufacturer's gross axle weight rating. 1980, c. 37, s. 12.

Maximum
allowable
axle group
weights

100. Subject to section 93, no vehicle or combination of vehicles, unless exempted under the regulations, shall be operated on a Class A Highway where any axle group weight exceeds,

- (a) for a two axle group, that weight shown in Column 2 opposite the corresponding axle group spacing shown in Column 1 of Table 3;
- (b) for a three axle group, that weight shown in Column 2 opposite the corresponding axle group spacing shown in Column 1 of Table 4; or
- (c) for a four axle group, that weight shown in Column 2 opposite the corresponding axle group spacing shown in Column 1 of Table 5. 1977, c. 65, s. 3, *part*.

Maximum
allowable
gross
vehicle
weights

101.—(1) Subject to section 93, no vehicle or combination of vehicles, unless exempted under the regulations, shall be operated on a Class A Highway where the gross vehicle weight exceeds,

- (a) the axle unit weight on the front axle, not exceeding the maximum weight permitted on such axle under section 99, plus the sum of the maximum allowable weights for all other axle units of the vehicle or combination of vehicles as set out in section 99;
- (b) the axle unit weight on the front axle, not exceeding the maximum weight permitted on such axle under section 99, plus the sum of the maximum allowable weights for any two axle groups, three axle groups or four axle groups, or any combination thereof, as set out in section 100, plus the maximum allowable weight for any axle unit or units excluding the front axle and excluding any axle unit or units which are part of an axle group, as set out in section 99; or
- (c) that weight prescribed in the regulations. 1977, c. 65, s. 3, *part*; 1979, c. 57, s. 7 (1).

(2) The driver of a vehicle or combination of vehicles being operated on a highway under a special gross vehicle weight authority issued under subsection 74 (2) of the *Highway Traffic Act*, being chapter 202 of the Revised Statutes of Ontario, 1970 shall produce, when demanded by a police officer or an officer appointed for carrying out the provisions of this Act, the authority or a true copy thereof.

Driver to
produce
authority

(3) Every person who operates or permits the operation of a vehicle or combination of vehicles under an authority referred to in subsection (2) where the gross vehicle weight exceeds the gross vehicle weight permitted by the authority is guilty of an offence and on conviction a fine shall be imposed as if the person had not been issued the authority and had been convicted of an offence under subsection (1) in respect of any gross vehicle weight in excess of the weight permitted under subsection (1). 1977, c. 65, s. 3, *part, revised*.

Penalty

(4) Where a vehicle or combination of vehicles for which an authority referred to in subsection (2) has been issued is operated upon a highway while the weight on the front axle of the vehicle or combination of vehicles varies by more than 454 kilograms from the weight specified for the front axle on the authority, then the authority shall be deemed not to apply. 1977, c. 65, s. 3, *part*; 1978, c. 4, s. 16 (2).

Where
authority
does not
apply

(5) An authority referred to in subsection (2) expires with the 31st day of December, 1986.

Expiry of
authority

102.—(1) Notwithstanding sections 99, 100, 101 and subsection 104 (1), during freeze-up the maximum allowable gross

Raw forest
products
allowance
during
freeze-up

vehicle weight for a vehicle or combination of vehicles, while used exclusively for the transportation of raw forest products, shall be 110 per cent of that weight for which a permit has been issued for the vehicle or combination of vehicles in accordance with section 7, provided no axle unit weight, axle group weight or gross vehicle weight exceeds by more than 10 per cent that weight prescribed in this Act or the regulations for such vehicle or combination of vehicles. 1977, c. 65, s. 3, *part*.

Designated
by
Minister

(2) For the purposes of this section, the Minister may designate by regulation the date on which a "freeze-up" shall commence and the date on which a "freeze-up" shall terminate and the part of the province to which the designation shall apply. 1977, c. 65, s. 3, *part*; 1978, c. 90, s. 6.

Prohibition

(3) No vehicle or combination of vehicles having a weight in excess of that authorized in subsection (1) shall be operated on a highway. 1977, c. 65, s. 3, *part*.

Prohibition
re operation
on Class B
Highway

103. Subject to section 93, no vehicle or combination of vehicles shall be operated on a Class B Highway where the weight upon one axle exceeds 8,200 kilograms, or, if the axles are spaced less than 2.4 metres apart, where the weight upon one axle exceeds 5,500 kilograms. 1977, c. 65, s. 3, *part*; 1978, c. 4, s. 17.

Operating
within
permitted
weight
R.S.O. 1980,
c. 425

104.—(1) Subject to subsection 23 (1) of the *Public Vehicles Act*, no vehicle or combination of vehicles having a permit issued in accordance with section 7 of this Act, the fee for which is based upon gross vehicle weight, shall be operated on any highway where the gross vehicle weight exceeds that for which the permit was issued.

Permit to
be carried re
commercial
motor
vehicle

(2) The permit issued for a commercial motor vehicle and for every trailer drawn by it, or a true copy thereof, shall, whenever the vehicle is on a highway, be carried by the driver thereof or placed in some readily accessible position in the vehicle and shall be produced when demanded by a police officer or an officer appointed for carrying out the provisions of this Act or the *Public Commercial Vehicles Act*. 1977, c. 65, s. 3, *part*.

R.S.O. 1980,
c. 407

Idem

(3) Where the permit referred to in subsection (2) is a CAVR cab card, the requirements of subsection (2) apply to the original permit and not to any copy thereof and to the permit from the jurisdiction that issued the number plates for the vehicle. 1980, c. 71, s. 15.

Exception
to subs. (1)

(4) Notwithstanding subsection (1) and subject to sections 99, 100 and 101, where a conversion unit is used to convert

a two axle tractor into a three axle tractor and the fee prescribed in the regulations in respect of the conversion unit is paid, the vehicle or combination of vehicles to which the conversion unit is attached may operate on a highway at a maximum gross vehicle weight of 7,000 kilograms in excess of the gross vehicle weight for which a permit was issued for the vehicle or combination of vehicles in accordance with section 7 and the Ministry shall issue a receipt for the fee so prescribed and paid. 1977, c. 65, s. 3, *part*; 1978, c. 4, s. 18 (1).

(5) The receipt issued by the Ministry in accordance with subsection (4) shall, whenever a vehicle is on a highway with the conversion unit referred to in subsection (4) attached, be carried by the driver of the vehicle or placed in some readily accessible position in the vehicle and shall be produced when demanded by a police officer or an officer appointed for carrying out the provisions of this Act or the *Public Commercial Vehicles Act*. 1977, c. 65, s. 3, *part*. Receipt re excess weight payment to be carried
R.S.O. 1980, c. 407

(6) Subject to section 93, during the months of March and April no commercial motor vehicle or trailer, other than a public vehicle, or a two axle tank-truck or two axle truck while either is used as referred to in subsection (7), shall be operated or drawn on any portion of the King's Highway to which the provisions of this subsection are declared applicable by the Lieutenant Governor in Council or upon any other highway not within a city or separated town, where any axle of such commercial motor vehicle or trailer transmits to the highway a weight in excess of 5,000 kilograms, and the Lieutenant Governor in Council may declare this subsection to apply. 1977, c. 65, s. 3, *part*; 1978, c. 4, s. 18 (2). Weight of load during March and April

(7) Subject to section 93, during the months of March and April no two axle tank-truck, while used exclusively for the transportation of liquid or gaseous heating fuel, and no two axle truck, while used exclusively for the transportation of live stock feed, shall be operated on any portion of the King's Highway to which the provisions of subsection (6) are declared applicable by the Lieutenant Governor in Council or upon any other highway not within a city or separated town, where any axle transmits to the highway a weight in excess of 7,500 kilograms. 1977, c. 65, s. 3, *part*; 1978, c. 4, s. 18 (3). Idem

(8) Subject to section 93, during the months of March and April no vehicle having a carrying capacity in excess of 1,000 kilograms, other than a motor vehicle or trailer, shall be operated on any portion of the King's Highway to which Idem

the provisions of this subsection are declared to be applicable by the Lieutenant Governor in Council or upon any other highway not within a city or separated town, where the weight upon any millimetre in the width of tire exceeds five kilograms, and the Lieutenant Governor in Council may declare this subsection to apply. 1977, c. 65, s. 3, *part*; 1978, c. 4, s. 18 (4).

Vehicles
exempt from
provisions
of subss. (6, 8)

(9) Subsections (6) and (8) do not apply to,

- (a) a vehicle operated by or on behalf of a municipality or other authority having jurisdiction and control of a highway, where such vehicle is engaged in highway maintenance, including the carriage and application of abrasives or chemicals to the highway, the stockpiling of abrasives or chemicals for use on a highway, or engaged in the removal of snow from a highway;
- (b) vehicles used exclusively for the transportation of milk; or
- (c) fire apparatus. 1977, c. 65, s. 3, *part*; 1979, c. 57, s. 8.

Extension of
period on
King's
Highway,
etc.

(10) In the case of the King's Highway and highways in territory without municipal organization, the Lieutenant Governor in Council may declare the provisions of subsections (6), (8) and (14) to apply during any period of the year. 1977, c. 65, s. 3, *part*.

Extension of
period by
municipality

(11) The municipal corporation or other authority having jurisdiction over any highway may declare the provisions of subsections (6), (8) and (14) to apply to highways under its jurisdiction during any period of the year, or that the provisions of subsections (6) and (8) do not apply to any or all highways under its jurisdiction. 1978, c. 90, s. 7 (1).

Regulations
limiting
weight
passing
over bridge

(12) The Lieutenant Governor in Council may make regulations limiting the gross vehicle weight of any vehicle or any class thereof passing over a bridge forming part of the King's Highway or a highway in territory without municipal organization and notice of the limit of the weights fixed by such regulation, legibly printed, shall be posted up in a conspicuous place at each end of the bridge. 1977, c. 65, s. 3, *part*.

By-laws
limiting
weight
passing
over bridge

(13) The municipal corporation or other authority having jurisdiction over a bridge may by by-law approved by the Ministry limit the gross vehicle weight of any vehicle or any

class thereof passing over such bridge, and the requirements of subsection (12) with respect to the posting up of notice apply thereto. 1977, c. 65, s. 3, *part*; 1978, c. 90, s. 7 (2).

(14) Every person who contravenes any of the provisions of subsection (1), (6), (7) or (8) or of a regulation made under subsection (12) or a by-law made under subsection (13) is guilty of an offence and on conviction is liable to a fine as if he had been convicted under section 106 and, in addition, if the conviction is for a contravention under subsection (1), the Registrar may suspend the permit issued under section 7 for the vehicle or vehicles involved, and such suspension shall continue until a new permit at the maximum gross vehicle weight allowable has been issued for the vehicle or vehicles and the fee therefor has been paid. 1977, c. 65, s. 3, *part*; 1980, c. 37, s. 13. Penalty

105.—(1) Where a police officer or officer appointed for carrying out the provisions of this Act has reasonable and probable grounds to believe that the gross vehicle weight of a vehicle or combination of vehicles is in excess of the limits permitted under this Act or the regulations or a permit issued for the vehicle or combination of vehicles, he may weigh the same, by means of either portable or stationary scales, and may require that the vehicle or combination of vehicles be driven to the nearest weigh scales. Power of officer to have load weighed

(2) Subsection (1) does not apply where the driver of a commercial motor vehicle produces an inventory showing the true gross vehicle weight of the vehicle or combination of vehicles. Production of inventory

(3) Where a police officer or officer appointed for carrying out the provisions of this Act has reasonable and probable grounds to question the validity of any documents produced in accordance with subsection (2), or to believe the axle unit weight or axle group weight of a vehicle or combination of vehicles is in excess of the limits permitted under this Act or the regulations or a permit issued for the vehicle or combination of vehicles, he may weigh the same, by means of either portable or stationary scales, and may require that the vehicle or combination of vehicles be driven to the nearest weigh scales. Power of officer to have load weighed

(4) To determine whether the gross vehicle weight, axle unit weight or axle group weight of any vehicle or combination of vehicles is in excess of the limits permitted under this Act or the regulations or the permit issued for the vehicle or combination of vehicles, the police officer or officer appointed for carrying out the provisions of this Act may conduct such examination as is necessary to ascertain the Power of officer to measure axle space

distance between the axles of the vehicle or combination of vehicles. 1977, c. 65, s. 3, *part*.

Power of
officer to
require part
of load
removed or
redistributed

(5) Where it is found that the gross vehicle weight, axle unit weight or axle group weight of any vehicle or combination of vehicles is in excess of the limits permitted under this Act or the regulations, or the permit issued for the vehicle or combination of vehicles, the police officer or officer appointed for carrying out the provisions of this Act may require the driver to redistribute or remove so much of the load as is necessary to ensure compliance with this Act, the regulations and the permit. 1979, c. 57, s. 9 (1).

Penalty

(6) Every driver who, when required pursuant to subsection (1) or (3) to proceed to a weigh scale, refuses or fails to do so is guilty of an offence and on conviction is liable to a fine of not less than \$100 and not more than \$500 and to the suspension of his driver's licence for a period of not more than thirty days.

Idem

(7) Every driver who,

- (a) when required, pursuant to subsection (5), to redistribute or remove part of a load refuses or fails to do so or to make arrangements to do so; or
- (b) obstructs any weighing, measuring or examination authorized by this section,

is guilty of an offence and on conviction is liable to a fine of not less than \$50 and not more than \$100. 1980, c. 71, s. 16.

Penalty

106. Every person who contravenes any of the provisions of subsection 98 (1), sections 99, 100 and 101, subsection 102 (3) or section 103 is guilty of an offence and on conviction is liable to a fine of,

- (a) \$2 per 100 kilograms, or part thereof, for any weight in excess of that permitted under this Act or the regulations, where the overweight is less than 5,000 kilograms, but in no case shall the fine be less than \$50;
- (b) \$4 per 100 kilograms, or part thereof, for any weight in excess of that permitted under this Act or the regulations, where the overweight is 5,000 kilograms or more but is less than 7,500 kilograms;
- (c) \$6 per 100 kilograms, or part thereof, for any weight in excess of that permitted under this Act or the regulations, where the overweight is 7,500 kilograms or more but is less than 10,000 kilograms;

- (d) \$8 per 100 kilograms, or part thereof, for any weight in excess of that permitted under this Act or the regulations, where the overweight is 10,000 kilograms or more but is less than 15,000 kilograms; and
- (e) \$10 per 100 kilograms, or part thereof, for any weight in excess of that permitted under this Act or the regulations, where the overweight is 15,000 kilograms or more. 1977, c. 65, s. 3, *part*; 1978, c. 4, s. 19.

107. Every consignor of goods, or his agent or employee, who causes a vehicle or combination of vehicles not owned by the consignor to be loaded, ^{Over-loading by consignor}

- (a) knowing that so loaded the weight of the vehicle, or combination of vehicles, and load when operated on a highway exceeds the limits for weight in any of the provisions of subsection 98 (1), section 101 or 102, or in the regulations, or in a permit referred to in subsection 104 (1); and
- (b) intending that the vehicle or combination of vehicles so loaded be operated on a highway,

is guilty of an offence and on conviction is liable to a fine as if he had been convicted under section 106. 1977, c. 65, s. 3, *part*.

108. The Lieutenant Governor in Council may make regulations, ^{Regulations}

- (a) prescribing maximum allowable gross vehicle weights;
- (b) designating classes of vehicles which are exempt from the provisions of sections 99, 100 and 101 and prescribing the weights applicable for the vehicles so exempted; and
- (c) prescribing markings to be placed on vehicles. 1977, c. 65, s. 3, *part*.

TABLE 1
MAXIMUM ALLOWABLE WEIGHT FOR
DUAL AXLE

COLUMN ONE	COLUMN TWO
Axle Spacing (Metres)	Maximum Allowable Weight (Kilograms)
1.0 to less than 1.2	15,400
1.2 to less than 1.3	16,800
1.3 to less than 1.4	17,200
1.4 to less than 1.5	17,500
1.5 to less than 1.6	17,900
1.6 to less than 1.7	18,300
1.7 to less than 1.8	18,700
1.8 or more	19,100

1978, c. 4, s. 20, *part.*

TABLE 2
MAXIMUM ALLOWABLE WEIGHT FOR
TRIPLE AXLE

COLUMN ONE	COLUMN TWO
Axle Spacing (Metres)	Maximum Allowable Weight (Kilograms)
2.0 to less than 2.4	19,500
2.4 to less than 2.8	21,300
2.8 to less than 2.9	21,700
2.9 to less than 3.0	22,000
3.0 to less than 3.1	22,400
3.1 to less than 3.2	22,700
3.2 to less than 3.3	23,100
3.3 to less than 3.4	23,400
3.4 to less than 3.5	23,800
3.5 to less than 3.6	24,100
3.6 to less than 3.7	24,400
3.7 to less than 3.8	24,800
3.8 to less than 3.9	25,100
3.9 to less than 4.0	25,500
4.0 to less than 4.1	25,800
4.1 to less than 4.2	26,200
4.2 to less than 4.3	26,500
4.3 to less than 4.4	26,900
4.4 to less than 4.5	27,200
4.5 to less than 4.6	27,600
4.6 to less than 4.7	27,900
4.7 to less than 4.8	28,300
4.8 or more	28,600

1978, c. 4, s. 20, *part.*

TABLE 3
MAXIMUM ALLOWABLE WEIGHT FOR
TWO AXLE GROUP

COLUMN ONE	COLUMN TWO
Axle Group Spacing (Metres)	Maximum Allowable Weight (Kilograms)
1.0 to less than 1.2	15,000
1.2 to less than 1.3	16,300
1.3 to less than 1.4	16,700
1.4 to less than 1.5	17,000
1.5 to less than 1.6	17,400
1.6 to less than 1.7	17,800
1.7 to less than 1.8	18,200
1.8 to less than 1.9	18,600
1.9 to less than 2.0	19,100

1978, c. 4, s. 20, *part.*

TABLE 4
MAXIMUM ALLOWABLE WEIGHT FOR
THREE AXLE GROUP

COLUMN ONE	COLUMN TWO
Axle Group Spacing (Metres)	Maximum Allowable Weight (Kilograms)
2.0 to less than 2.4	19,000
2.4 to less than 2.6	20,400
2.6 to less than 2.8	21,000
2.8 to less than 2.9	21,400
2.9 to less than 3.0	21,700
3.0 to less than 3.1	22,000
3.1 to less than 3.2	22,400
3.2 to less than 3.3	22,700
3.3 to less than 3.4	23,000
3.4 to less than 3.5	23,400
3.5 to less than 3.6	23,700
3.6 to less than 3.7	24,000
3.7 to less than 3.8	24,400
3.8 to less than 3.9	24,700
3.9 to less than 4.0	25,000
4.0 to less than 4.1	25,400
4.1 to less than 4.2	25,700
4.2 to less than 4.3	26,000
4.3 to less than 4.4	26,400
4.4 to less than 4.5	26,700
4.5 to less than 4.6	27,000
4.6 to less than 4.7	27,400
4.7 to less than 4.8	27,700
4.8 to less than 4.9	28,000
4.9 to less than 5.0	28,300
5.0 or more	28,600

1978, c. 4, s. 20, *part.*

TABLE 5
MAXIMUM ALLOWABLE WEIGHT FOR
FOUR AXLE GROUP

COLUMN ONE	COLUMN TWO
Axle Group Spacing (Metres)	Maximum Allowable Weight (Kilograms)
Less than 3.6	23,500
3.6 to less than 3.7	23,900
3.7 to less than 3.8	24,200
3.8 to less than 3.9	24,600
3.9 to less than 4.0	24,900
4.0 to less than 4.1	25,300
4.1 to less than 4.2	25,700
4.2 to less than 4.3	26,000
4.3 to less than 4.4	26,400
4.4 to less than 4.5	26,700
4.5 to less than 4.6	27,100
4.6 to less than 4.7	27,500
4.7 to less than 4.8	27,800
4.8 to less than 4.9	28,200
4.9 to less than 5.0	28,500
5.0 to less than 5.1	28,900
5.1 to less than 5.2	29,300
5.2 to less than 5.3	29,600
5.3 to less than 5.4	30,000
5.4 to less than 5.5	30,300
5.5 to less than 5.6	30,700
5.6 to less than 5.7	31,100
5.7 to less than 5.8	31,400
5.8 to less than 5.9	31,800
5.9 to less than 6.0	32,100
6.0 to less than 6.1	32,500
6.1 to less than 6.2	32,900
6.2 to less than 6.3	33,200
6.3 to less than 6.4	33,600
6.4 to less than 6.5	33,900
6.5 to less than 6.6	34,300
6.6 to less than 6.7	34,700
6.7 to less than 6.8	35,000
6.8 to less than 6.9	35,400
6.9 to less than 7.0	35,700
7.0 to less than 7.1	36,100
7.1 to less than 7.2	36,500
7.2 to less than 7.3	36,800
7.3 to less than 7.4	37,200
7.4 to less than 7.5	37,600
7.5 or more	38,000

1978, c. 4, s. 20, *part.*

PART VIII

RATE OF SPEED

109.—(1) No person shall drive a motor vehicle at a rate of speed greater than, Rate of speed

(a) 80 kilometres per hour,

(i) on a highway not within a city, town, village, police village or built-up area, or

(ii) on a highway designated by the Lieutenant Governor in Council as a controlled-access highway under the *Public Transportation and Highway Improvement Act*, whether or not such a highway is within a city, town, village, police village or built-up area; R.S.O. 1980,
c. 421

(b) subject to clause (a), 50 kilometres per hour on a highway within a city, town, village, police village or built-up area;

(c) the rate of speed prescribed for motor vehicles on a highway in accordance with the provisions of subsection (2), (3), (4), (5) or (6);

(d) the maximum rate of speed posted in a construction zone designated under subsection (7); or

(e) the rate of speed prescribed for motor vehicles on a metropolitan road in accordance with section 83 of the *Municipality of Metropolitan Toronto Act*. R.S.O. 1980,
c. 314

(2) The council of a municipality and the trustees of a police village may by by-law prescribe a rate of speed of 40, 50, 60, 70, 80, 90 or 100 kilometres per hour for motor vehicles driven on a highway or portion of a highway under its jurisdiction. Rate of speed by by-law

(3) The council of a municipality and the trustees of a police village may by by-law prescribe a lower rate of speed for motor vehicles driven in any public park or exhibition ground than is prescribed in subsection (1), but such lower rate of speed shall not be less than 20 kilometres per hour. in public parks

(4) The council of a municipality and the trustees of a police village may by by-law, in school zones

(a) designate a portion of a highway under its jurisdiction that adjoins the entrance to or exit from a school and that

is within 150 metres along the highway in either direction beyond the limits of the land used for the purposes of the school; and

- (b) prescribe a rate of speed of 40 kilometres per hour for motor vehicles driven on the portion of a highway so designated on days on which school is regularly held and prescribe the time or times between the hours of 8.00 a.m. and 5.00 p.m. at which such speed limit is effective.

on bridges

(5) The council of a municipality and the trustees of a police village may by by-law prescribe a lower rate of speed for motor vehicles passing over a bridge on a highway under its jurisdiction than is prescribed in subsection (1) or in a by-law passed under subsection (2), but such lower rate of speed shall not be less than 10 kilometres per hour and signs indicating the maximum rate of speed shall be posted in a conspicuous place at each approach to the bridge.

Rate of
speed by
regulation

(6) The Minister may make regulations prescribing a rate of speed for,

- (a) motor vehicles driven on a highway or portion of a highway within a provincial park;
- (b) any class or classes of motor vehicles driven on the King's Highway or portion of the King's Highway whether or not the King's Highway is within a city, town, village or police village, and such rate of speed may be different for any period or periods of the day or night or direction of travel; and
- (c) motor vehicles driven on a highway or portion of a highway in territory without municipal organization.

Construction
zones

(7) An official of the Ministry authorized by the Minister in writing may designate any part of the King's Highway as a construction zone, and every construction zone shall be so marked by signs in accordance with the regulations.

R.S.O. 1980,
c. 446 does
not apply

(8) A designation under subsection (7) is not a regulation within the meaning of the *Regulations Act*.

Speed limit
signs in
construction
zones

(9) Signs posting the maximum rate of speed at which motor vehicles may be driven in a construction zone may be erected in accordance with the regulations by an official of the Ministry.

By-laws,
regulations
effective
when posted

(10) No by-law passed under subsection (2), (4) or (5) or regulation made under clause (6) (c) becomes effective until the highway

or portion thereof affected by the by-law or regulation, as the case may be, is signed in accordance with this Act and the regulations.

(11) Where a by-law or regulation passed under this section or a by-law passed under section 83 of the *Municipality of Metropolitan Toronto Act* becomes effective, the rates of speed prescribed in subsection (1) do not apply to the highway or portion of the highway affected by the by-law or regulation.

Exemption
R.S.O. 1980,
c. 314

(12) The speed limits prescribed under this section or any regulation or by-law passed under this section do not apply to,

Fire department
vehicles and police
vehicles

(a) a motor vehicle of a municipal fire department while proceeding to a fire or responding to, but not returning from, a fire alarm or other emergency call; or

(b) a motor vehicle while used by a person in the lawful performance of his duties as a police officer.

(13) Every person who contravenes any of the provisions of this section or any by-law or regulation made under this section is guilty of an offence and on conviction is liable, where the rate of speed at which the motor vehicle was driven,

Penalty

(a) is less than 20 kilometres per hour over the maximum speed limit, to a fine of \$1.25 for each kilometre per hour that the motor vehicle was driven over the maximum speed limit;

(b) is 20 kilometres per hour or more but less than 40 kilometres per hour over the maximum speed limit, to a fine of \$1.75 for each kilometre per hour that the motor vehicle was driven over the maximum speed limit;

(c) is 40 kilometres per hour or more but less than 60 kilometres per hour over the maximum speed limit, to a fine of \$2.50 for each kilometre per hour that the motor vehicle was driven over the maximum speed limit; and

(d) is 60 kilometres per hour or more over the maximum speed limit, to a fine of \$3.25 for each kilometre per hour that the motor vehicle was driven over the maximum speed limit.

(14) Where a court or judge has convicted a person for a contravention of any provision of this section and has determined that the person convicted was driving at a rate of speed of 50 or more kilometres per hour greater than the maximum speed limit, the court may suspend the driver's licence of such person for a period of not more than thirty days. 1980, c. 37, s. 14.

Suspension of
licence on
conviction

Conversion
of rate
of speed
set out in
by-laws

110. Upon the maximum permitted rate of speed in kilometres per hour being marked on the highways or portions thereof affected, the speed limits established under a by-law passed pursuant to section 109 that are expressed as a rate of speed in miles per hour set out in Column 1 of the Table shall be deemed to be the rate of speed in kilometres per hour set out opposite thereto in Column 2 of the Table.

TABLE

COLUMN 1	COLUMN 2
Rate of Speed in Miles per Hour	Rate of Speed in Kilometres per Hour
15	20
20	30
25	40
30	50
35	60
40	60
45	70
50	80
55	90
60	100

1977, c. 19, s. 4; 1980, c. 37, s. 15.

Careless
driving

111. Every person is guilty of the offence of driving carelessly who drives a vehicle on a highway without due care and attention or without reasonable consideration for other persons using the highway and on conviction is liable to a fine of not less than \$100 and not more than \$500 or to imprisonment for a term of not more than six months, or to both, and in addition his licence or permit may be suspended for a period of not more than two years. R.S.O. 1970, c. 202, s. 83.

Territory
without
municipal
organization

112.—(1) For the purpose of this Act, the Lieutenant Governor in Council may make regulations providing for the regulation and control of traffic on any highway or portion of a highway in territory without municipal organization where the highway is not under the jurisdiction and control of the Ministry.

Liability
for damages

(2) With respect to a highway that is not under the jurisdiction and control of the Ministry, no action shall be brought against the Crown for damages caused by any default of the Ministry in maintaining the signs regulating and controlling traffic in territories without municipal organization and the Crown is not liable for damages sustained by any person using a highway in territory without municipal organization. 1980, c. 37; s. 16.

113. No motor vehicle shall be driven on a highway at such a slow rate of speed as to impede or block the normal and reasonable movement of traffic thereon except when such slow rate of speed is necessary for safe operation having regard to all the circumstances. R.S.O. 1970, c. 202, s. 85.

Unnecessary
slow driving
prohibited

PART IX

RULES OF THE ROAD

114.—(1) Where a constable or other police officer considers it reasonably necessary,

Direction
of traffic by
constable

- (a) to ensure orderly movement of traffic;
- (b) to prevent injury or damage to persons or property;
or
- (c) to permit proper action in an emergency,

he may direct traffic according to his discretion, notwithstanding the provisions of this Part, and every person shall obey his directions. R.S.O. 1970, c. 202, s. 86.

(2) For the purposes of subsection (1), a constable or other police officer may close a highway or any part thereof to vehicles by posting or causing to be posted signs to that effect, or placing or causing to be placed traffic control devices as prescribed in the regulations.

Highway
closing

(3) Where signs or traffic control devices have been posted or placed under subsection (2), no person shall drive or operate a vehicle on the closed highway or part thereof in intentional disobedience of the signs or traffic control devices.

Driving on
closed
highway
prohibited

(4) Subsection (3) does not apply to a vehicle or road-building machine while it is being used for maintenance of the highway or an ambulance, a fire department vehicle, a public utility emergency vehicle or a police vehicle.

Exception
to subs. (3)

(5) Every person using a highway closed to traffic in accordance with this section does so at his own risk and the Crown or road authority having jurisdiction and control of the highway is not liable for any damage sustained by a person using the highway so closed to traffic.

No Crown
or road
authority
liability

Regulations

(6) The Lieutenant Governor in Council may make regulations providing for the posting of signs and the placing of traffic control devices on any highway or any type or class thereof for the purposes of this section, and prescribing the types of signs and traffic control devices. 1978, c. 90, s. 9.

Right of way

115. Subject to sections 116 and 118, a driver or operator of a vehicle approaching an intersection shall yield the right of way to a vehicle that has entered the intersection from a different highway and, when two vehicles enter an intersection from different highways at approximately the same time, the driver or operator on the left shall yield the right of way to the vehicle on the right. R.S.O. 1970, c. 202, s. 87.

Stop at
through
highway

116. The driver or operator of a vehicle or car of an electric railway,

- (a) upon approaching a stop sign at an intersection, shall bring the vehicle or car to a full stop at a clearly marked stop line or, if none, then immediately before entering the nearest crosswalk or, if none, then immediately before entering the intersection; and
- (b) upon entering the intersection, shall yield the right of way to traffic in the intersection or approaching the intersection on another highway so closely that it constitutes an immediate hazard and having so yielded the right of way may proceed with caution and the traffic approaching the intersection on another highway shall yield the right of way to the vehicle so proceeding in the intersection. R.S.O. 1970, c. 202, s. 88.

Stop signs,
erection at
intersections

117. In addition to stop signs required at intersections on through highways,

- (a) the council of a municipality and the trustees of a police village may by by-law provide for the erection of stop signs at intersections on highways under its jurisdiction; and
- (b) the Minister may by regulation designate intersections on the King's Highway at which stop signs shall be erected,

and every sign so erected shall comply with the regulations of the Ministry. R.S.O. 1970, c. 202, s. 89; 1972, c. 1, s. 1; 1974, c. 123, s. 22; 1980, c. 71, s. 17.

118.—(1) The driver or operator of a vehicle or car of an electric railway approaching a yield right-of-way sign shall slow down to a speed reasonable for the existing conditions or shall stop if necessary as provided in clause 116 (a) and shall yield the right of way to traffic in the intersection or approaching on the intersecting highway so closely that it constitutes an immediate hazard and having so yielded may proceed with caution. R.S.O. 1970, c. 202, s. 90 (1). Yield
right-of-way
signs

(2) No yield right-of-way sign shall be erected except in compliance with the regulations. 1974, c. 123, s. 23. Erection of
yield signs

119. The driver or operator of a vehicle about to enter or cross a highway from a private road or driveway shall yield the right of way to all vehicles approaching on the highway. R.S.O. 1970, c. 202, s. 91. Right of
way on
entering
highway
from private
road

120.—(1) Subject to subsection (2), when a pedestrian or a person in a wheelchair crossing a roadway within a pedestrian crossover, Pedestrian
crossover,
duties of
driver

(a) is upon the half of the roadway upon which a vehicle or street car is travelling; or

(b) is upon half of the roadway and is approaching the other half of the roadway on which a vehicle or street car is approaching so closely to the pedestrian crossover as to endanger him,

the driver of such vehicle or street car shall yield the right of way to the pedestrian or a person in a wheelchair by slowing down or stopping if necessary. R.S.O. 1970, c. 202, s. 92 (1); 1974, c. 123, s. 24 (1).

(2) When a vehicle or street car is stopped at a pedestrian crossover, the driver of any other vehicle or street car overtaking the stopped vehicle or street car shall bring the vehicle or street car to a full stop before entering the crossover and shall yield the right of way to a pedestrian or a person in a wheelchair, Where
vehicle
stopped at
pedestrian
crossover

(a) who is within the crossover upon the half of the roadway upon which the vehicle or street car is stopped; or

(b) who is within the crossover and is approaching such half of the roadway from the other half of the roadway so closely to the vehicle or street car that he is in danger if the vehicle or street

car were to proceed. R.S.O. 1970, c. 202, s. 92 (2); 1974, c. 123, s. 24 (2).

Passing moving vehicles within 30 metres of pedestrian crossover

(3) When a vehicle or street car is approaching a pedestrian crossover and is within 30 metres thereof, the driver of any other vehicle or street car approaching from the rear shall not allow the front extremity of his vehicle or streetcar to pass beyond the front extremity of the other vehicle or street car. 1978, c. 90, s. 10.

Duty of pedestrian or person in wheelchair

(4) No pedestrian or person in a wheelchair shall leave the curb or other place of safety at a pedestrian crossover and walk, run or move the wheelchair into the path of a vehicle or street car that is so close that it is impracticable for the driver of the vehicle or street car to yield the right of way. 1974, c. 123, s. 24 (3).

Interpretation

121.—(1) In this section, “centre line” means,

(a) in the case of a highway on which traffic is permitted to move in opposing directions, the marked line or median that divides traffic moving in opposing directions on the highway or, where there is no marked line or median, the centre of the roadway; and

(b) in the case of a highway designated for the use of one-way traffic, the left curb or edge of the roadway.

Turns; right at intersection

(2) Where a driver or operator of a vehicle intends to turn to the right into an intersecting highway, he shall, where the highway on which he is driving has marked lanes for traffic, approach the intersection within the right-hand lane or, where it has no such marked lanes, by keeping immediately to the left of the right curb or edge of the roadway and he shall make the right turn by entering the right-hand lane of the intersecting highway where such lane is marked or, where no such lane is marked, by keeping immediately to the left of the right curb or edge of the roadway being entered.

right, where multiple lanes

(3) Notwithstanding subsection (2), where more than one lane of a highway has been designated as a right-turn lane, the driver or operator of a vehicle intending to turn to the right into an intersecting highway shall approach the intersection in one of such lanes and leave the intersection in the lane of the intersecting

highway that corresponds to the lane from which the turn was commenced.

(4) No driver or operator of a vehicle in an intersection shall turn left across the path of a vehicle approaching from the opposite direction unless he has afforded a reasonable opportunity to the driver or operator of the approaching vehicle to avoid a collision.

left, across
path of
approaching
vehicle

(5) Where a driver or operator of a vehicle intends to turn to the left into an intersecting highway, he shall, where the highway on which he is driving has marked lanes for traffic, approach the intersection within the left-hand lane provided for the use of traffic moving in the direction in which his vehicle is proceeding or, where it has no such marked lanes, by keeping immediately to the right of the centre line of the highway and he shall make the left turn by entering the intersection to the right of the centre line or its extension and by leaving the intersection in the left-hand lane provided for the use of traffic moving in the direction in which his vehicle is proceeding where such lane is marked or, where no such lane is marked, by passing immediately to the right of the centre line of the intersecting highway.

left, at
intersection

(6) Notwithstanding subsection (5), where more than one lane of a highway has been designated as a left-turn lane, the driver or operator of a vehicle intending to turn to the left into an intersecting highway shall approach the intersection in one of such lanes and leave the intersection in the lane of the intersecting highway that corresponds to the lane from which the turn was commenced.

left, where
multiple
lanes

122.—(1) The driver or operator of a vehicle upon a highway before turning to the left or right at any intersection or into a private road or driveway or from one lane for traffic to another lane for traffic or to leave the roadway shall first see that such movement can be made in safety, and if the operation of any other vehicle may be affected by such movement shall give a signal plainly visible to the driver or operator of such other vehicle of the intention to make such movement.

Signal for
left or right
turn

(2) The driver or operator of a vehicle parked or stopped on the highway before setting the vehicle in motion shall first see that the movement can be made in safety, and, if in turning the vehicle the operation of any other vehicle may be affected by such movement, shall give a signal plainly visible to the driver or operator of such other vehicle of the intention to make such movement.

Signal when
moving
from
parked
position

(3) The signal required in subsections (1) and (2) shall be given either by means of the hand and arm in the manner herein

Mode of
signalling
turn

specified or by a mechanical or electrical signal device as described in subsection (5).

How to
signal
manually

(4) When the signal is given by means of the hand and arm, the driver or operator shall indicate his intention to turn,

(a) to the left, by extending the hand and arm horizontally and beyond the left side of the vehicle; or

(b) to the right, by extending the hand and arm upward and beyond the left side of the vehicle. R.S.O. 1970, c. 202, s. 94 (1-4).

Require-
ments for
signalling
device

(5) A mechanical or electrical signal device shall clearly indicate the intention to turn, shall be visible and understandable during day-time and night-time from the front and from the rear of the vehicle for a distance of 30 metres, and shall be self-illuminated when used at any time from one-half hour after sunset to one-half hour before sunrise. R.S.O. 1970, c. 202, s. 94 (5); 1977, c. 19, s. 7.

Signalling
devices
to be used
only for
purpose of
indicating
turn

(6) No person while operating or in control of a vehicle upon a highway shall actuate the mechanical or electrical device referred to in subsection (5) for any purpose other than to indicate a movement referred to in subsection (1) or (2).

Signal for
stop

(7) The driver or operator of a vehicle upon a highway before stopping or suddenly decreasing the speed of the vehicle, if the operation of any other vehicle may be affected by such stopping or decreasing of speed, shall give a signal plainly visible to the driver or operator of such other vehicle of the intention to stop or decrease speed,

manually

(a) by means of the hand and arm extended downward beyond the left side of the vehicle; or

signalling
device

(b) by means of a stop lamp or lamps on the rear of the vehicle which shall emit a red or yellow light and which shall be actuated upon application of the service or foot brake and which may or may not be incorporated with one or more rear lamps. R.S.O. 1970, c. 202, s. 94 (6, 7).

U-turns
prohibited

123. No driver or operator of a vehicle upon a highway shall turn the vehicle so as to proceed in the opposite direction when,

- (a) upon a curve where traffic approaching the vehicle from either direction cannot be seen by the driver of the vehicle within a distance of 150 metres;
- (b) on a railway crossing or within 30 metres of a railway crossing;
- (c) upon an approach to or near the crest of a grade where the vehicle cannot be seen by the driver of another vehicle approaching from either direction within 150 metres; or
- (d) within 150 metres of a bridge, viaduct or tunnel where the driver's view is obstructed within such distance. 1977, c. 19, s. 8.

124.—(1) In this section,

Interpre-
tation

(a) "emergency vehicle" means,

- (i) a fire department vehicle while proceeding to a fire or responding to, but not returning from, a fire alarm or other emergency call,
- (ii) a vehicle while used by a person in the lawful performance of his duties as a police officer.
- (iii) an ambulance while responding to an emergency call or being used to transport a patient or injured person in an emergency situation, or
- (iv) a cardiac arrest emergency vehicle operated by or under the authority of a hospital;

(b) "intersection" includes any portion of a highway distinctly indicated as a crossing place for pedestrians by lines or other markings on the surface of the highway. 1979, c. 57, s. 10 (1); 1979, c. 103, s. 7.

(2) Green arrow, green, amber and red lights may be used for signal-light traffic control systems and such lights shall be arranged vertically in the following order commencing at the bottom, green arrow, green, amber and red.

Arrangement
of lights

(3) When a green signal-light is shown at an intersection, the driver or operator of a vehicle or car of an electric railway that is approaching the intersection and facing such light may proceed across the intersection or turn left or right.

Driver rules,
on green

flashing
green

(4) When a green light illuminated by rapid intermittent flashes is shown at an intersection, the driver or operator of a vehicle or car of an electric railway that is approaching the intersection and facing such light may, notwithstanding subsection 121 (4), proceed across the intersection or turn left or right. R.S.O. 1970, c. 202, s. 96 (2-4).

red

(5) When a red signal-light is shown at an intersection, every driver or operator of a vehicle or car of an electric railway that is approaching the intersection and facing such light shall bring his vehicle or car to a full stop at a clearly marked stop line or, if none, then immediately before entering the nearest crosswalk or, if none, then immediately before entering the intersection, and shall not proceed until a green light is shown, but the driver or operator may, after bringing the vehicle or car to a full stop,

(a) turn to the right; or

(b) turn to the left from a one-way street into a one-way street. 1978, c. 90, s. 11 (1).

exception
to subs. (5)

(6) Notwithstanding subsection (5), where an emergency vehicle, upon which a siren is continuously sounding and upon which a lamp is producing intermittent flashes of red light visible from all directions, is brought to a full stop at a red signal-light, the driver of the emergency vehicle may, after ascertaining that such movement can be made in safety, proceed through the intersection without waiting for a green signal-light to be shown. 1979, c. 57, s. 10 (2).

amber

(7) When an amber signal-light is shown at an intersection, the driver or operator of a vehicle or car of an electric railway that is approaching the intersection and facing such light shall bring his vehicle or car to a full stop at a clearly marked stop line or, if none, then immediately before entering the nearest crosswalk or, if none, then immediately before entering the intersection, provided that, where any such vehicle or car cannot be brought to such a stop in safety, it may be driven cautiously across the intersection.

flashing
red

(8) Where a red signal-light illuminated by rapid intermittent flashes is shown at an intersection, the driver or operator of a vehicle or car of an electric railway that is approaching the intersection and facing such light shall bring his vehicle or car to a full stop at a clearly marked stop line or, if none, then immediately before entering the nearest crosswalk or, if none, then immediately before entering the intersection, and, upon entering the inter-

section, shall yield the right of way to traffic in the intersection or approaching the intersection on another highway so closely that it constitutes an immediate hazard and having so yielded the right of way may proceed with caution and the traffic approaching the intersection on another highway shall yield the right of way to the vehicle so proceeding in the intersection.

(9) When an amber light illuminated by rapid intermittent flashes is shown at the intersection, the driver or operator of a vehicle, or a car of an electric railway, which is approaching the intersection and facing such light, may proceed through the intersection only with caution. flashing
amber

(10) When a red signal-light with a green arrow is shown at an intersection, the driver or operator of a vehicle, or a car of an electric railway, which is approaching the intersection and facing such light, may proceed with caution into the intersection only to make the movement indicated by such arrow, but shall yield the right of way to pedestrians and other traffic lawfully using the intersection. green
arrow
R.S.O. 1970, c. 202, s. 96 (6-9).

(11) Where a signal-light traffic control system shows a green arrow without the red signal-light illuminated at an intersection, the driver or operator of a vehicle or car of an electric railway that is approaching the intersection and facing the arrow may proceed into the intersection only to follow the direction indicated by the arrow. idem 1978, c. 90, s. 11 (2).

(12) When under this section the driver or operator of a vehicle or car of an electric railway is permitted to turn left or right, such driver or operator shall yield the right of way to pedestrians and other traffic lawfully within the intersection and to pedestrians or any person in a wheelchair lawfully within a crosswalk. Turns
subject to
pedestrian
right of way R.S.O. 1970, c. 202, s. 96 (10); 1974, c. 123, s. 25 (1).

(13) The provisions of this section are subject to any sign forbidding a left or right turn or both that is conspicuously posted at any intersection, and the driver of a vehicle shall obey such sign. Rules
subject to
signs at
intersections R.S.O. 1970, c. 202, s. 96 (11).

(14) Subject to subsection (15), a pedestrian or a person in a wheelchair approaching and facing a green light at an intersection may proceed across the roadway, provided that, where markings upon the roadway indicate the portion of the roadway to be used by pedestrian traffic, the pedestrian or the person in the wheelchair shall proceed within the marked portion. Pedestrian
rules re
green
signal 1974, c. 123, s. 25 (2).

flashing
green

(15) A pedestrian or a person in a wheelchair approaching and facing a green light illuminated by rapid intermittent flashes at an intersection shall not proceed across the roadway except in accordance with subsection (17). R.S.O. 1970, c. 202, s. 96 (13); 1974, c. 123, s. 25 (3).

red or
amber

(16) When a red or amber signal-light is shown at an intersection, a pedestrian or a person in a wheelchair approaching such intersection and facing such light shall not enter the roadway until a green light is shown. R.S.O. 1970, c. 202, s. 96 (14); 1974, c. 123, s. 25 (4).

Pedestrian
control
signals

(17) Notwithstanding subsection (14),

- (a) when a "walk" pedestrian control signal is shown, a pedestrian or a person in a wheelchair facing the signal may proceed across the roadway in the direction of the signal and while so proceeding across the roadway has the right of way over all vehicles;
- (b) when a "wait" or "don't walk" pedestrian control signal is shown, a pedestrian or a person in a wheelchair facing the signal shall not commence to cross the roadway until a "walk" pedestrian control signal is shown;
- (c) a pedestrian or a person in a wheelchair proceeding across the roadway when a "wait" or "don't walk" signal is shown after he entered the roadway shall quickly proceed across the roadway and has the right of way for that purpose over all vehicles. 1974, c. 123, s. 25 (5).

Symbols

(18) The "walk", "wait" and "don't walk" pedestrian control signals referred to in subsection (17) may be shown by symbols as prescribed by the regulations. R.S.O. 1970, c. 202, s. 96 (16).

Signal-light
traffic control
system

(19) Every signal-light traffic control system shall consist of a minimum of two sets of,

- (a) green, amber and red signal-lights;
- (b) green arrow, amber and red signal-lights;
- (c) green arrow, green, amber and red signal-lights; or
- (d) any combination thereof.

Idem

(20) Where a signal-light traffic control system is installed, one signal-light shall be located to the right side of the

roadway used by the traffic controlled by it and to the side of the intersection that is remote from the traffic as it approaches, and at least two sets of signal-lights shall be installed facing each direction from which traffic approaches the intersection.

(21) Where traffic is controlled in separate lanes by signal-lights, one set may be suspended over the centre point of each lane separately controlled to the side of the intersecting roadway that is remote from traffic as it approaches. Idem

(22) Traffic signal-lights, where installed, shall be not less than 2.75 metres from the level of the roadway when adjacent to the travelled portion of the roadway and not less than 4.5 metres from the level of the roadway when suspended over the travelled portion of the roadway. Idem

(23) Where traffic signal-lights are installed at a location other than an intersection, the arrangement of the lights shall comply as nearly as possible with the provisions of subsections (20), (21) and (22). 1978, c. 90, s. 11 (3). Idem

(24) No signal-light traffic control system shall be operated in such a manner as to show green and amber signal-lights simultaneously. Prohibition re showing green and amber signal-lights simultaneously

(25) A signal-light traffic control system may be erected and maintained at a place other than an intersection, in which event the provisions of this section, except those that by their nature can have no application, are applicable, and any stop required shall be made at a sign or marking on the roadway indicating where the stop shall be made or, in the absence of any such sign or marking, at the signal. R.S.O. 1970, c. 202, s. 96 (18, 19). Erection of signal-lights

(26) No signal-light traffic control system shall be erected unless approval has been obtained from the Ministry or an officer of the Ministry authorized by the Minister in writing to grant such approval. Idem

(27) Additional signal-lights may be installed with the approval of the Ministry or an officer referred to in subsection (26) for use in conjunction with any signal-light traffic control system. 1977, c. 54, s. 13. Idem

125.—(1) Notwithstanding subsection 124 (26), during construction or maintenance activities on or adjacent to a highway, a portable lane control signal system may be operated on the highway in accordance with the regulations by the authority having jurisdiction and control of the highway, or any person authorized by that authority. Portable signal-lights

Driver rules,
on green

(2) Where a green signal-light is shown by a portable lane control signal system, the driver or operator of a vehicle or car of an electric railway that is approaching and facing the light may proceed.

red

(3) Where a red signal-light is shown by a portable lane control signal system, every driver or operator of a vehicle or car of an electric railway that is approaching and facing the light shall bring his vehicle or car to a full stop at a sign or marking on the roadway indicating where the stop shall be made or, in the absence of any such sign or marking, at the red signal-light and shall not proceed until a green light is shown.

amber

(4) Where an amber signal-light is shown by a portable lane control signal system, every driver or operator of a vehicle or car of an electric railway that is approaching and facing the light shall bring his vehicle or car to a full stop at a sign or marking on the roadway indicating where the stop shall be made or, in the absence of any such sign or marking, at the amber signal-light, provided that, where a vehicle or car cannot be brought to a stop at an amber signal-light in safety, it may proceed with caution.

Removing,
etc., lane
control
device

(5) No person shall without lawful authority remove, deface or otherwise interfere with a portable lane control signal system.

Regulations
re portable
lane control
devices

(6) The Lieutenant Governor in Council may make regulations,

- (a) prescribing the standards or specifications of portable lane control signal systems;
- (b) prescribing the location where portable lane control signal systems may be erected;
- (c) prescribing standards for maintaining portable lane control signal systems. 1979, c. 57, s. 11.

Driving on
right side of
multi-lane
highway

126. Any vehicle proceeding upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall when practicable be driven in the right hand lane then available for traffic or as close as practicable to the right hand curb or edge of the roadway except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway. R.S.O. 1970, c. 202, s. 97.

127.—(1) Where a person in charge of a vehicle on a highway meets another vehicle, he shall turn out to the right from the centre of the roadway, allowing to the vehicle so met one-half of the roadway free, but this does not apply to a vehicle, road-building machine or apparatus while engaged in the construction, maintenance or marking of a highway. R.S.O. 1970, c. 202, s. 98 (1); 1978, c. 90, s. 12 (1).

Passing
vehicles
meeting
others

(2) Where a person in charge of a vehicle on a highway meets a person travelling upon a bicycle or tricycle, the person in charge of the vehicle shall allow the person travelling on the bicycle or tricycle sufficient room on the roadway to pass. R.S.O. 1970, c. 202, s. 98 (2).

Vehicles
meeting
bicycles,
etc.

(3) Where a person in charge of a vehicle or on horseback on a highway is overtaken by a vehicle or horseman travelling at a greater speed, the person so overtaken shall turn out to the right and allow the overtaking vehicle or horseman to pass, but this does not apply to a vehicle, road-building machine or apparatus while engaged in the construction, maintenance or marking of a highway. 1978, c. 90, s. 12 (2).

Vehicles or
horsemen
overtaken
by others

(4) Any person so overtaking another vehicle or horseman shall turn out to the left so far as may be necessary to avoid a collision with the vehicle or horseman overtaken, and the person overtaken is not required to leave more than one-half of the roadway free. R.S.O. 1970, c. 202, s. 98 (4).

Vehicles or
horsemen
overtaking
others

(5) Where a person on a bicycle, motor assisted bicycle or a tricycle on a highway is overtaken by a vehicle or horseman travelling at a greater speed, the person so overtaken shall turn out to the right and allow such vehicle or horseman to pass and the person so overtaking a bicycle, motor assisted bicycle or tricycle shall turn out to the left so far as may be necessary to avoid a collision. R.S.O. 1970, c. 202, s. 98 (5); 1974, c. 123, s. 26.

Bicycles, etc.,
overtaken
by vehicles or
horsemen

(6) Where one vehicle is met or overtaken by another, if by reason of the weight of the load on either of the vehicles so meeting or on the vehicle so overtaken the driver finds it impracticable to turn out, he shall immediately stop, and, if necessary for the safety of the other vehicle and if required so to do, he shall assist the person in charge thereof to pass without damage.

Driver
unable to
turn out is
to stop

(7) No person in charge of a vehicle shall pass or attempt to pass another vehicle going in the same direction on a highway unless the roadway,

Passing
vehicle going
in same
direction

- (a) in front of and to the left of the vehicle to be passed is safely free from approaching traffic; and
- (b) to the left of the vehicle passing or attempting to pass is safely free from overtaking traffic. R.S.O. 1970, c. 202, s. 98 (6, 7).

Driving to left of centre of roadway under certain conditions prohibited

128. No vehicle shall be driven or operated to the left of the centre of a roadway designed for one or more lines of traffic in each direction,

- (a) when approaching the crest of a grade or upon a curve in the roadway or within 30 metres of a bridge, viaduct or tunnel where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction; or
- (b) when approaching within 30 metres of a level railway crossing,

but this section does not apply to a highway designated for the use of one-way traffic or to a highway divided into clearly marked lanes where there are more such lanes for traffic in one direction than in the other direction. R.S.O. 1970, c. 202, s. 99; 1977, c. 19, s. 10.

Passing to right of vehicle

129.—(1) Notwithstanding section 127 and subject to subsection (2), the driver of a motor vehicle may overtake and pass to the right of another vehicle only under the following conditions,

- (a) when the vehicle overtaken is making or about to make a left turn or its driver has signalled his intention to make a left turn; or
- (b) upon a highway with unobstructed pavement of sufficient width for two or more lines of vehicles in each direction; or
- (c) upon a highway designated for the use of one-way traffic only. R.S.O. 1970, c. 202, s. 100 (1).

May pass to right only under safe conditions

(2) The driver of a motor vehicle shall not overtake and pass to the right of another vehicle where such movement cannot be made in safety and in no event shall a driver make such movement by driving off the roadway except where the shoulder to the right of the roadway is paved and the vehicle overtaken is making or about to make a left turn or its driver has signalled his intention to make a left turn. R.S.O. 1970, c. 202, s. 100 (2); 1976, c. 37, s. 13.

130.—(1) Where any part of the King's Highway has been designated as having a paved shoulder for use by vehicular traffic and official signs have been erected accordingly to indicate such designation, every driver of a vehicle shall obey the instructions on the official signs. 1976, c. 37, s. 14, *part*.

Drivers to obey signs posted at designated paved shoulders

(2) The Minister may make regulations,

Regulations

(a) designating any part of the King's Highway as having a paved shoulder for use by vehicular traffic;

(b) providing for the erection of signs and the placing of markings,

(i) on any highway approaching any part of the King's Highway designated as having a paved shoulder for use by vehicular traffic, and

(ii) on any part of the King's Highway designated as having a paved shoulder for use by vehicular traffic; and

(c) prescribing the types of the signs and markings referred to in clause (b), instructions to be contained thereon and the location of each type of sign and marking. 1976, c. 37, s. 14, *part*; 1980, c. 71, s. 18.

(3) A paved shoulder designated under this section shall be deemed not to be part of the roadway within the meaning of paragraph 32 of subsection 1 (1) or part of the pavement for the purposes of clause 129 (1) (b). 1976, c. 37, s. 14, *part*.

Paved shoulder deemed not part of roadway

131. For the purposes of sections 121, 132 and 133, "designated" means designated by the Minister or by any person authorized by him to make such designation or designated by by-law of a municipality. R.S.O. 1970, c. 202, s. 101; 1974, c. 123, s. 27; 1980, c. 37, s. 18.

Interpretation

132. Where a highway has been designated for the use of one-way traffic only and official signs have been erected accordingly, vehicles shall be driven only in the direction so designated. R.S.O. 1970, c. 202, s. 102.

Highway designated for one-way traffic

133. Where a highway has been divided into clearly marked lanes for traffic,

Where highway divided into lanes

(a) a vehicle shall be driven as nearly as may be practicable entirely within a single lane and shall not be moved from such lane until the driver

has first ascertained that such movement can be made with safety;

- (b) in the case of a highway that is divided into three lanes, a vehicle shall not be driven in the centre lane except when overtaking and passing another vehicle where the roadway is clearly visible and the centre lane is clear of traffic within a reasonable safe distance, or in preparation for a left turn, or where such centre lane is at the time designated for the use of traffic moving in the direction in which the vehicle is proceeding and official signs are erected to indicate such designation;
- (c) any lane may be designated for slowly moving traffic, traffic moving in a particular direction or classes or types of vehicles provided that official signs are erected to indicate such designation, and, notwithstanding section 121, where a highway is so designated every driver of a vehicle shall obey the instructions on the official signs but this does not apply to a motor vehicle or road-building machine, operated by or on behalf of an authority having jurisdiction and control of the highway, while the vehicle or machine is engaged in construction, marking or maintenance activities on a highway including the removal of snow from a highway. R.S.O. 1970, c. 202, s. 103; 1980, c. 71, s. 19.

Times
designation
applicable

134. A designation of a lane for classes or types of vehicles made under clause 133 (c) shall apply during the times stated on the official signs. 1976, c. 37, s. 16.

Moving from
roadway to
roadway on
divided
highways

135. Where a highway is divided into two separate roadways, no person shall operate or drive a vehicle or lead, ride or drive an animal,

- (a) along or on such highway except on the roadway on the right-hand side, having regard to the direction in which the vehicle is being operated or driven or the animal is being led, ridden or driven; or
- (b) from one roadway to the other roadway except where a crossing is provided. R.S.O. 1970, c. 202, s. 104.

Headway
of motor
vehicles

136.—(1) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent having due regard for the speed of such vehicle and the traffic on and the conditions of the highway. R.S.O. 1970, c. 202, s. 105 (1).

(2) The driver of a commercial motor vehicle when driving on a highway at a speed exceeding 60 kilometres per hour shall not follow within 60 metres of another motor vehicle, but this shall not be construed to prevent a commercial motor vehicle overtaking and passing another motor vehicle. 1978, c. 90, s. 13.

Headway for commercial vehicles

137.—(1) The driver of a vehicle, upon the approach of an ambulance, fire or police department vehicle or public utility emergency vehicle upon which a bell or siren is sounding or upon which a lamp located on the roof of the vehicle is producing intermittent flashes of red light, shall immediately bring such vehicle to a standstill,

Fire department vehicles, etc., approaching

(a) as near as is practicable to the right-hand curb or edge of the roadway and parallel therewith and clear of any intersection; or

(b) when on a roadway having more than two lanes for traffic and designated for the use of one-way traffic, as near as is practicable to the nearest curb or edge of the roadway and parallel therewith and clear of any intersection. 1973, c. 45, s. 29.

(2) No driver of a vehicle shall follow a fire department vehicle when responding to an alarm at a distance of less than 150 metres. 1977, c. 19, s. 12.

Following fire department vehicle

(3) In this section, "ambulance" and "fire department vehicle" have the same meaning as in section 43. 1979, c. 103, s. 8.

Interpretation

138. No driver of a vehicle or street car shall permit any person riding upon a bicycle, coaster, roller skates, skis, toboggan, sled or toy vehicle to attach the same or himself to the vehicle or street car. R.S.O. 1970, c. 202, s. 107.

Towing of persons on bicycles, toboggans, etc., prohibited

139. No person shall drive on a highway a motor vehicle, other than a commercial motor vehicle, that is drawing more than one vehicle. R.S.O. 1970, c. 202, s. 108.

Only one vehicle to be drawn on highway

140. No person shall drive a motor vehicle with persons or property in the front or driver's seat so placed as to interfere with the proper management or control of the motor vehicle. R.S.O. 1970, c. 202, s. 109.

Crowding driver's seat

141. When the driver of a vehicle is approaching a railway crossing at a time when a clearly visible electrical or mechanical signal device or a flagman is giving warning of the approach of a railway train, he shall stop the vehicle not less than 5 metres from the nearest rail of the

Vehicles required to stop at railway crossing signal

railway and shall not proceed until he can do so safely. R.S.O. 1970, c. 202, s. 110; 1977, c. 19, s. 13.

Driving of
vehicles
under
crossing
gates
prohibited

142. No person shall drive a vehicle through, around or under a crossing gate or barrier at a railway crossing while the gate or barrier is closed or is being opened or closed. R.S.O. 1970, c. 202, s. 111.

Opening
of doors of
motor
vehicles

143. No person shall,

- (a) open the door of a motor vehicle on a highway without first taking due precautions to ensure that his act will not interfere with the movement of or endanger any other person or vehicle; or
- (b) leave a door of a motor vehicle on a highway open on the side of the vehicle available to moving traffic for a period of time longer than is necessary to load or unload passengers. R.S.O. 1970, c. 202, s. 112.

Require-
ment when
approaching
standing
street car

144.—(1) Where a person in charge of a vehicle or on a bicycle or tricycle or on horseback or leading a horse on a highway overtakes a street car or a car of an electric railway, operated in or near the centre of the roadway, which is stationary for the purpose of taking on or discharging passengers, he shall not pass the car or approach nearer than 2 metres measured back from the rear or front entrance or exit, as the case may be, of the car on the side on which passengers are getting on or off until such passengers have got on or got safely to the side of the street, as the case may be, but this subsection does not apply where a safety zone has been set aside and designated by a by-law passed under paragraph 124 of section 210 of the *Municipal Act*. R.S.O. 1970, c. 202, s. 113 (1); 1977, c. 19, s. 14.

R.S.O. 1980,
c. 302

Prohibition
as to passing
street cars
on left-hand
side

(2) No person in charge of a vehicle, or on a bicycle or tricycle, or on horseback or leading a horse, overtaking a street car or the car of an electric railway, operated in or near the centre of the roadway, which is stationary or in motion, shall pass on the left side of such car, having reference to the direction in which such car is travelling, but this subsection does not apply to a vehicle belonging to a municipal fire department while proceeding to a fire or answering a fire alarm call or where the street car or car of an electric railway is being operated on a highway designated for the use of one-way traffic. R.S.O. 1970, c. 202, s. 113 (2).

145. Every person having the control or charge of a motor vehicle or motor assisted bicycle on a highway, when approaching a horse or other animal that is drawing a vehicle or being driven, led or ridden, shall operate, manage and control the motor vehicle or motor assisted bicycle in such manner as to exercise every reasonable precaution to prevent the frightening of the horse or other animal and to ensure the safety and protection of any person driving, leading or riding upon the horse or other animal or being in any vehicle drawn by the horse or other animal. R.S.O. 1970, c. 202, s. 114; 1974, c. 123, s. 28.

Approaching
ridden or
driven
horses, etc.

146. When on a highway at any time when lighted lamps are required to be displayed on vehicles, the driver of a motor vehicle equipped with multiple beam headlamps shall use the lower or passing beam when,

Use of
passing
beam

- (a) approaching an oncoming vehicle within 150 metres;
or
- (b) following another vehicle within 60 metres, except when in the act of overtaking and passing. R.S.O. 1970, c. 202, s. 115; 1977, c. 19, s. 15.

147.—(1) No person shall park, stand or stop a vehicle on a roadway,

Parking on
roadway

- (a) when it is practicable to park, stand or stop the vehicle off the roadway; or
- (b) when it is not practicable to park, stand or stop the vehicle off the roadway unless a clear view of the vehicle and of the roadway for at least 125 metres beyond the vehicle may be obtained from a distance of at least 125 metres from the vehicle in each direction upon the highway. R.S.O. 1970, c. 202, s. 116 (1); 1977, c. 19, s. 16 (1).

(2) Subsection (1) does not apply to a roadway within a city, town or village, and the provisions of subsection (1) with respect to parking, standing or stopping do not apply to a portion of a roadway in respect of which a by-law passed by the council of a township or county or by the trustees of a police village prohibiting or regulating parking, standing or stopping on the roadway, as the case may be, is in force. R.S.O. 1970, c. 202, s. 116 (2).

Where
subs. (1) not
to apply

(3) The Minister may make regulations prohibiting or regulating the parking, standing or stopping of vehicles upon a highway or any part of a highway or upon any class or classes thereof. R.S.O. 1970, c. 202, s. 116 (3); 1980, c. 71, s. 20.

Regulations,
parking, etc.

Effect of
regulation
on municip-
al by-law

(4) The part of every municipal by-law that is inconsistent with or has the same effect as a regulation made under subsection (3) is revoked on the day the regulation comes into force.

Removal of
vehicle
parked at
prohibited
place

(5) Whenever a constable or an officer appointed for carrying out the provisions of this Act finds a vehicle on a highway in contravention of the provisions of this section or the regulations, he may move the vehicle or require the driver or operator or other person in charge of the vehicle to move it.

Disabled
vehicle

(6) The provisions of this section do not apply to the driver or operator of a vehicle that is so disabled while on a highway that it is impossible to avoid temporarily a contravention of such provisions.

Precaution
against
vehicle
being set
in motion

(7) No person shall park or stand a vehicle on a highway unless he has taken such action as may be reasonably necessary in the circumstances to prevent the vehicle from moving or being set in motion. R.S.O. 1970, c. 202, s. 116 (4-7).

Warning
lights on
commercial
motor
vehicles

(8) Every commercial motor vehicle, when on a highway on which the maximum speed limit is in excess of 60 kilometres per hour at any time when lighted lamps are required to be displayed on vehicles, shall be equipped with a sufficient number of,

(a) flares, lamps or lanterns that have been approved by the Ministry, capable of continuously producing two warning lights, each visible from a distance of at least 150 metres for a period of at least eight hours; or

(b) portable reflectors that have been approved by the Ministry. R.S.O. 1970, c. 202, s. 116 (8); 1972, c. 1, s. 1; 1977, c. 19, s. 16 (2); 1978, c. 90, s. 14 (1).

Flares on
disabled
commercial
motor
vehicle or
trailer

(9) When any commercial motor vehicle or trailer is disabled during the period when lighted lamps are required to be displayed on vehicles and the vehicle cannot immediately be removed from the roadway on which the maximum speed limit is in excess of 60 kilometres per hour, the driver or other person in charge of the vehicle shall cause such flares, lamps or lanterns to be lighted, and shall cause them or portable reflectors approved by the Ministry to be placed and maintained on the highway until such time as lighted lamps are not required to be displayed on vehicles or the removal of the vehicle, one at a distance of approximately 30 metres in advance of the vehicle and one at a distance of approximately

30 metres to the rear of the vehicle. R.S.O. 1970, c. 202, s. 116 (9); 1972, c. 1, s. 1; 1977, c. 19, s. 16 (3); 1978, c. 90, s. 14 (2).

(10) Notwithstanding the other provisions of this section, no person shall park or stand a vehicle on a highway in such a manner as to interfere with the movement of traffic or the clearing of snow from the highway. Vehicles interfering with traffic

(11) The provisions of subsection (10) with respect to parking or standing in such a manner as to interfere with the movement of traffic or with the clearing of snow from the highway do not apply to a portion of a highway in respect of which a municipal by-law prohibiting or regulating parking or standing in such a manner as to interfere with traffic or with the clearing of snow from the highway, as the case may be, is in force. Application of subs. (10), where by-law in force

(12) Every person who contravenes any of the provisions of this section is guilty of an offence and on conviction is liable to a fine of not less than \$5 and not more than \$50. Penalty

(13) A constable or an officer appointed for the carrying out of the provisions of this Act, upon discovery of any vehicle parked or standing in contravention of subsection (10) or of a municipal by-law, may cause it to be moved or taken to and placed or stored in a suitable place and all costs and charges for removing, care and storage thereof, if any, are a lien upon the vehicle, which may be enforced in the manner provided by section 52 of the *Mechanics' Lien Act*. R.S.O. 1970, c. 202, s. 116 (10-13). Powers of constable to remove vehicle

R.S.O. 1980, c. 261

148.—(1) No person shall drive a motor vehicle on a highway in a race or on a bet or wager. Racing on highway

(2) Every person who contravenes any of the provisions of this section is guilty of an offence and on conviction is liable to a fine of not less than \$100 and not more than \$500 or to imprisonment for a term of not more than six months, or to both, and in addition his licence may be suspended for a period of not more than two years. R.S.O. 1970, c. 202, s. 117. Penalty

149. No person shall race or drive furiously any horse or other animal on a highway. R.S.O. 1970, c. 202, s. 118. Horse racing on highway

150. The driver of,

(a) a bus, when transporting children to and from school;
or

Vehicles required to stop at railway crossings

(b) a public vehicle,

upon approaching on a highway a railway crossing that is not protected by gates or railway crossing signal lights or unless otherwise directed by a flagman, shall stop such vehicle not less than 5 metres from the nearest rail of the railway and, having stopped, shall look in both directions along the track and open a door of the vehicle and listen for any approaching train and, when it is safe to do so, shall cross the railway track in a gear that he will not need to change while crossing the track and he shall not change gears while crossing. R.S.O. 1970, c. 202, s. 119; 1977, c. 19, s. 17.

Interpre-
tation

151.—(1) In this section, “school bus” means a bus used for the transportation of children or mentally retarded adults to and from school or a training centre that,

- (a) bears on the rear thereof the words “do not pass when signals flashing”;
- (b) is equipped with two red signal-lights on the rear thereof and two red signal-lights on the front thereof; and
- (c) is painted chrome yellow with black lettering and trim,

as required by the regulations. 1974, c. 123, s. 29 (1), *part*; 1979, c. 57, s. 12 (1).

Prohibition

(2) No bus, other than a school bus, shall be painted chrome yellow. 1974, c. 123, s. 29 (1), *part*.

Idem

(3) No motor vehicle, other than a school bus, shall bear the words “do not pass when signals flashing” or the words “school bus”. 1975, c. 64, s. 1 (1).

Interpre-
tation

(4) For the purposes of subsection (2), a motor vehicle shall be deemed to be a bus if it is or has in the past been operated under the authority of a permit issued pursuant to section 7 for which a bus fee was paid. 1975, c. 64, s. 1 (2).

Duty of
driver when
school bus
stopped on
highway

(5) Where a school bus is stopped on a highway, the driver of a vehicle,

- (a) when overtaking a school bus on which the words “do not pass when signals flashing” are marked and two red signal-lights are illuminated by intermittent flashes; and
- (b) when meeting on such a highway, other than a highway with a median strip, a school bus on

the front of which two red signal-lights are illuminated with intermittent flashes,

shall stop the vehicle before reaching the school bus and shall not proceed until the school bus resumes motion or the signal-lights are no longer operating. R.S.O. 1970, c. 202, s. 120 (2); 1974, c. 123, s. 29 (2).

(6) Subject to subsection (7), the driver of a school bus on a highway, when he is about to stop the school bus for the purpose of receiving or discharging school children or mentally retarded adults, except at a stopping place where a signal-light traffic control system is in operation, shall actuate the red signal-lights on the school bus and shall continue them in operation while stopped for such purpose and, in the case of a highway that does not have a median strip, until those children or mentally retarded adults who of necessity must cross the highway have completed the crossing. 1975, c. 64, s. 1 (3), *part*; 1979, c. 57, s. 12 (2).

Duty of driver of school bus as to signal-lights

(7) The council of a municipality in relation to highways under its jurisdiction may by by-law designate school bus loading zones, in accordance with the regulations, to which subsection (6) does not apply.

School bus loading zones

(8) No by-law passed under subsection (7) becomes effective until the highways or portions thereof affected are marked to comply with this Act and the regulations.

Signing

(9) The driver of a school bus on a highway shall not actuate the red signal-lights on the school bus under any circumstances other than those set out in subsection (6).

Actuating red signal-lights

(10) The driver of a school bus on a highway shall not stop the school bus for the purpose of receiving or discharging school children on a highway,

School bus stopping at designated loading zones

(a) opposite a designated school bus loading zone; or

(b) at a designated school bus loading zone, except as closely as practicable to the right curb or edge of the roadway. 1975, c. 64, s. 1 (3).

(11) The words on a school bus "do not pass when signals flashing" shall be covered or concealed when the school bus is being operated on a highway during a trip that does not at any time during that trip involve the transportation of children or mentally retarded adults to or from a school or a training centre. 1980, c. 71, s. 21.

When markings to be covered

Regulations
re school
buses

(12) The Lieutenant Governor in Council may make regulations,

- (a) respecting the operation of vehicles or any class or type thereof used for transporting children to and from school and operated by or under contract with a school board or other authority in charge of a school or for transporting mentally retarded adults to and from a training centre;
- (b) prescribing the type, design and colour of such vehicles or any class or type thereof and the markings to be displayed thereon;
- (c) requiring the use of any equipment on or in such vehicles or any class or type thereof and prescribing the standards and specifications of such equipment;
- (d) prescribing the qualifications of drivers of such vehicles or any class or type thereof and prohibiting the operation thereof by unqualified persons;
- (e) requiring the inspection of such vehicles or any class or type thereof;
- (f) respecting the designation of school bus loading zones, the location thereof, the erection of signs and the placing of markings on highways;
- (g) prescribing the books and records that shall be kept by persons who operate vehicles used for transporting children to and from school and operated by or under contract with a school board or other authority in charge of a school;
- (h) requiring the retention of prescribed books within vehicles or any class or type thereon and prescribing the information to be contained and the entries to be recorded in the books. R.S.O. 1970, c. 202, s. 120 (6); 1974, c. 123, s. 29 (4); 1975, c. 64, s. 1 (4); 1977, c. 54, s. 14; 1979, c. 57, s. 12 (4).

Definition

152.—(1) In this section, “school crossing guard” means a person sixteen years of age or older employed by a municipality who is directing the movement of children across a highway. 1976, c. 37, s. 17, *part*.

School
crossing
guard
shall
display
sign

(2) A school crossing guard about to direct children across a highway with a speed limit not in excess of 60 kilometres per hour shall, prior to entering the roadway,

display a school crossing stop sign in an upright position so that it is visible to vehicular traffic approaching from each direction. 1977, c. 19, s. 18.

(3) Where a school crossing stop sign is displayed as provided in subsection (2), the driver of any vehicle approaching the stop sign shall stop before reaching the crossing. Vehicles approaching sign

(4) A school crossing guard shall not display on a highway a school crossing stop sign under any circumstances other than those set out in subsection (2). Display of school crossing stop sign

(5) No person other than a school crossing guard shall display on a highway a school crossing stop sign. Idem

(6) The Lieutenant Governor in Council may make regulations prescribing the type, design and specifications of school crossing stop signs. 1976, c. 37, s. 17, *part*. Regulations

153. No person, while on the roadway, shall, Soliciting rides, etc., prohibited

(a) solicit a ride from the driver of a motor vehicle other than a public passenger conveyance; or

(b) stop or attempt to stop a motor vehicle for the purpose of selling or offering to sell any commodity or service to the driver or any other person in the motor vehicle. R.S.O. 1970, c. 202, s. 121.

154.—(1) A person riding upon a motor assisted bicycle, a bicycle, a coaster, roller skates, skis, a toboggan, a sled or a toy vehicle shall not attach it or them or himself to a vehicle or street car on a roadway. R.S.O. 1970, c. 202, s. 122 (1); 1974, c. 123, s. 30 (1). Motor assisted bicycle riders, etc., clinging to vehicles

(2) No person riding on a bicycle designed for carrying one person only shall carry any other person thereon. R.S.O. 1970, c. 202, s. 122 (2); 1975, c. 78, s. 8 (1). Person on bicycle

(3) No person driving a motor assisted bicycle shall carry any other person thereon. 1975, c. 78, s. 8 (2). Person on motor assisted bicycle

(4) No person shall attach himself to the outside of a vehicle or street car on a roadway for the purpose of being drawn along the roadway. R.S.O. 1970, c. 202, s. 122 (3). Persons clinging to vehicles

155. Where sidewalks are not provided on a highway, a pedestrian walking along the highway shall walk on Duties of pedestrian when walking along highway

the left side thereof facing oncoming traffic and, when walking along the roadway, shall walk as close to the left edge thereof as possible. R.S.O. 1970, c. 202, s. 123.

Littering
highway
prohibited

156. Every person who throws or deposits or causes to be deposited any glass, nails, tacks or scraps of metal or any rubbish, refuse, waste or litter upon, along or adjacent to a highway, except in receptacles provided for the purpose, is guilty of the offence of littering the highway. R.S.O. 1970, c. 202, s. 124.

Deposit
of snow
on roadway

157. No person shall deposit snow or ice on a roadway without permission in writing so to do from the Ministry or the road authority responsible for the maintenance of the road. 1979, c. 57, s. 13.

Signs and
markings

158.—(1) The Lieutenant Governor in Council may make regulations providing for the erection of signs and the placing of markings on any highway or any type or class thereof, and prescribing the types of such signs and markings and the location on the highway of each type of sign and marking.

Signs to be
obeyed

(2) Every driver or operator of a vehicle shall obey the instructions or directions indicated on any sign so erected. R.S.O. 1970, c. 202, s. 125.

Tunnels,
regulations
re

159.—(1) The Lieutenant Governor in Council may make regulations,

- (a) designating any part of a highway as a tunnel;
- (b) providing for the erection of signs and the placing of markings,
 - (i) on any highway approaching any part of a highway designated as a tunnel,
 - (ii) on any part of a highway designated as a tunnel,

and prescribing the types of such signs and markings and the location of each type of sign and marking;

- (c) prohibiting or regulating the use of that part of the highway designated as a tunnel by pedestrians, animals or any class or classes of vehicles;
- (d) prohibiting or regulating the transportation of explosives and dangerous materials or any class thereof by a vehicle on that part of a highway designated as a tunnel.

(2) Every driver or operator of a vehicle shall obey the instructions or directions indicated on any sign so erected. R.S.O. 1970, c. 202, s. 126.

Signs to be obeyed

160. Every person who wilfully removes, defaces or in any manner interferes with any notice or obstruction lawfully placed on a highway is guilty of an offence and on conviction is liable to a fine of not less than \$100 and not more than \$500 or to imprisonment for a term of not more than six months, or to both. R.S.O. 1970, c. 202, s. 127.

Defacing or removing notices or obstructions

161.—(1) The Lieutenant Governor in Council may make regulations prohibiting or regulating the use of any highway or part thereof by pedestrians or animals or any class or classes of vehicles. R.S.O. 1970, c. 202, s. 128 (1); 1974, c. 123, s. 31 (1).

Regulating or prohibiting use of highway by pedestrians, etc.

(2) The council of a municipality may by by-law prohibit pedestrians or the use of motor assisted bicycles, bicycles, wheelchairs or animals on any highway or portion of a highway under its jurisdiction. 1977, c. 54, s. 15.

Prohibiting motor assisted bicycles, etc., on municipal highways

162.—(1) The council of a municipality may by by-law prohibit the operation of,

Prohibiting commercial vehicles in left lane

(a) a commercial motor vehicle other than a bus; or

(b) any combination of a commercial motor vehicle and a towed vehicle,

that exceeds 6.5 metres in length, in the left lane of any highway under its jurisdiction that has three or more lanes for traffic in each direction and on which the maximum speed limit is 80 kilometres per hour or more. 1980, c. 37, s. 19.

(2) A by-law passed pursuant to subsection (1) does not apply to the use of the left lane of a highway by a commercial motor vehicle,

When prohibition does not apply

(a) that is being used for the maintenance or construction of the highway; or

(b) in an emergency.

(3) Where the council of a municipality passes a by-law pursuant to subsection (1), the municipality shall erect signs over the left lane of the highway governed by the by-law so located that they can be seen by the drivers of commercial motor vehicles entering the highway from connecting or intersecting highways. 1973, c. 167, s. 9, *part*.

Signs

Removal of
aircraft from
highway after
emergency
landing

163.—(1) Where an aircraft has made an emergency landing on a highway, the pilot in command thereof, if he is physically capable, shall, as soon after landing as is reasonably possible, remove or cause it to be removed from the roadway.

Aircraft and
movement
along highway
subject to Act

(2) Subject to subsection (3), no aircraft shall be driven or drawn along a highway unless the aircraft and the movement thereof comply with the provisions of this Act respecting vehicles and the movement thereof on a highway.

Aircraft
take-off from
highway

(3) Where an aircraft has landed on a highway because of an emergency related to the operation of the aircraft, the aircraft may take off from the highway provided,

(a) a commercial licensed pilot, not being the owner of the aircraft, who is qualified to fly that class and category of aircraft, and the pilot in command of the aircraft are both satisfied that the aircraft is airworthy and that there are no physical obstructions on or over the highway which would make such take-off unsafe;

(b) the pilot in command of the aircraft is satisfied that weather conditions are satisfactory for the purpose and that the minimum requirements are met under the visual flight rules established by the regulations made under the *Aeronautics Act* (Canada) or, if the flight is to be continued under instrument flight rules, that adequate arrangements can be made for obtaining a clearance from an air traffic control unit prior to entering instrument flight weather conditions;

(c) traffic control is provided by the appropriate police force; and

(d) the police force consents to the take-off.

R.S.C. 1970,
c. A-3

Penalty

(4) Every person who contravenes any of the provisions of this section is guilty of an offence and on conviction is liable to a fine of not more than \$5,000.

No liability
where good
faith

(5) No action or other proceeding for damages shall be instituted against a police force, police officer or pilot, for an act or an omission done or omitted to be done by it or him in respect of the subject-matter of subsection (3) where the force, officer or pilot was acting in good faith. 1978, c. 90, s. 15.

164. No driver of a motor vehicle to which a house trailer or boat trailer is attached shall operate such motor vehicle on a highway if the trailer is occupied by any person. R.S.O. 1970, c. 202, s. 130.

Riding in house or boat trailers prohibited

165. No person shall operate a vehicle commonly known as an air cushioned vehicle on a highway. R.S.O. 1970, c. 202, s. 131.

Air cushioned vehicles prohibited on highways

PART X

CIVIL ACTIONS

166.—(1) The owner of a motor vehicle is liable for loss or damage sustained by any person by reason of negligence in the operation of the motor vehicle on a highway unless the motor vehicle was without the owner's consent in the possession of some person other than the owner or his chauffeur, and the driver of a motor vehicle not being the owner is liable to the same extent as the owner.

Liability for loss or damage

(2) Where a motor vehicle is leased, the consent of the lessee of the motor vehicle to the operation or possession thereof by some person other than the lessee shall, for the purposes of subsection (1), be deemed to be the consent of the owner of the motor vehicle. R.S.O. 1970, c. 202, s. 132 (1, 2).

Consent of lessee

167.—(1) When loss or damage is sustained by any person by reason of a motor vehicle on a highway, the onus of proof that the loss or damage did not arise through the negligence or improper conduct of the owner or driver of the motor vehicle is upon the owner or driver.

Onus of disproving negligence

(2) This section does not apply in case of a collision between motor vehicles or between motor vehicles and cars of electric or steam railways or other motor vehicles running only on stationary rails on the highway nor to an action brought by a passenger in a motor vehicle in respect of any injuries sustained by him while a passenger. R.S.O. 1970, c. 202, s. 133.

Application of section

Service of
notice or
process on
non-residents

168. The use of a highway within Ontario by any person not resident in Ontario operating or responsible for the operation of a motor vehicle within Ontario shall, by virtue of the right of user conferred by this Act, be deemed to constitute the Registrar an agent of such person for the service of notice or process in an action in Ontario arising out of a motor vehicle accident in Ontario in which such person is involved, subject to the following conditions:

Service of
notice, etc.

1. Such notice or process may be served by leaving a copy thereof with or at the office of the Registrar, together with a bond in form and by sureties approved by the Registrar in the sum of \$200 conditioned on the failure of the plaintiff to prevail in the action for the purpose of reimbursing the defendant for the expenses necessarily incurred by him in defending the action in Ontario.

Sufficiency
of service

2. Such service is sufficient service if notice of such service and a copy of the notice or process are forthwith sent by registered mail to the defendant and the defendant's return receipt is filed with the registrar or clerk of the court in which the action or proceeding is brought. R.S.O. 1970, c. 202, s. 134.

PART XI

MUNICIPAL BY-LAWS

Inconsistent
by-laws
are
deemed
invalid

169.—(1) If a provision of a municipal by-law passed by the council of a municipality, a board of commissioners of police or the trustees of a police village for,

- (a) regulating traffic on the highways;
- (b) regulating noise, fumes or smoke created by the operation of motor vehicles on the highways; or
- (c) prohibiting or regulating the operation of motor vehicles or any type or class thereof on the highways,

is inconsistent with this Act and the by-law would have required the approval of the Minister or of the Ministry prior to the 6th day of February, 1975, the provision of the by-law shall be deemed to be repealed.

(2) Subject to subsection (3), a copy of every municipal by-law passed for any of the purposes mentioned in clause (1) (a) or (c) except by-laws regulating or prohibiting parking, stopping or standing shall be filed with the Ministry by the clerk of the municipality within fifteen days of the passing thereof.

Filing of
municipal
by-laws
with
Ministry

(3) All by-laws passed by the council of a municipality, a board of commissioners of police or the trustees of a police village for the purposes mentioned in clause (1) (a) or (c) which affect traffic on highways designated as connecting links pursuant to subsection 21 (1) of the *Public Transportation and Highway Improvement Act* shall not become operative until approved by the Ministry.

Approval of
traffic
by-laws of
connecting
links

R.S.O. 1980,
c. 421

(4) Any by-law for regulating traffic on highways that is submitted to the Ministry for approval may be approved in whole or in part and, where part of a by-law is approved only, that part shall become operative.

Approval
of traffic
by-law in
whole or
in part

R.S.O.

(5) The Ministry may withdraw its approval to any by-law or any part thereof by notice sent by registered mail to the clerk of the municipality and such by-law or part thereof shall be deemed to be repealed twenty-one days after the sending of the notice.

Withdrawal
of approval
by Ministry

R.S.O.

PART XII

SUSPENSION FOR FAILURE TO PAY JUDGMENTS

170. In this Part, "motor vehicle", in addition to the meaning given in section 1, includes "trailer", as defined in section 1. R.S.O. 1970, c. 202, s. 136, *revised*.

Interpre-
tation

171. Where the Registrar has suspended a licence or permit, he shall send notice of such suspension by registered mail to the latest address appearing on the records of the Ministry of the person whose licence or permit is suspended.

Notice of
suspension

172.—(1) The driver's licence of every person who fails to satisfy a judgment rendered against him by any court

Licence
suspended
for failure
to pay
judgment

in Ontario that has become final by affirmation on appeal or by expiry without appeal of the time allowed for appeal, for damages on account of injury to or the death of any person, or on account of damage to property, occasioned by a motor vehicle, within fifteen days from the date upon which such judgment became final shall be suspended by the Registrar upon receiving a certificate of such final judgment from the court in which the same is rendered and after fifteen days notice has been sent to such person of intention to suspend his licence unless such judgment is satisfied within such period, and shall remain so suspended and shall not at any time thereafter be renewed, nor shall any new driver's licence be thereafter issued to such person, until such judgment is satisfied or discharged, otherwise than by a discharge in bankruptcy, to the extent of the minimum limits of liability required by the *Insurance Act* in respect of motor vehicle liability policies.

R.S.O. 1980,
c. 218

Application
where
person
indebted
to fund

(2) Notwithstanding subsection (1), the Registrar shall not suspend under subsection (1) the driver's licence of any person who is indebted to the Motor Vehicle Accident Claims Fund.

Payment of
judgments in
instalments

(3) A judgment debtor may, on due notice to the judgment creditor, apply to the court in which the trial judgment was obtained for the privilege of paying the judgment in instalments, and the court may, in its discretion, so order, fixing the amounts and times of payment of the instalments, and while the judgment debtor is not in default in payment of such instalments, he shall be deemed not in default in payment of the judgment, and the Minister may restore the driver's licence of the judgment debtor, but such driver's licence shall again be suspended and remain suspended, as provided in subsection (1), if the Registrar is satisfied of default made by the judgment debtor in compliance with the terms of the court order.

Reciprocal
effect of
subs. (1)
with states
having
similar
legislation

(4) The Lieutenant Governor in Council, upon the report of the Minister that a province or state has enacted legislation similar in effect to subsection (1) and that such legislation extends and applies to judgments rendered and become final against residents of that province or state by any court of competent jurisdiction in Ontario, may declare that the provisions of subsection (1) shall extend and apply to judgments rendered and become final against residents of Ontario by any court of competent jurisdiction in such province or state. R.S.O. 1970, c. 202, s. 138.

PART XIII

RECORDS AND REPORTING OF ACCIDENTS AND
CONVICTIONS

173.—(1) Every person in charge of a motor vehicle who is directly or indirectly involved in an accident shall, if the accident results in personal injuries or in damage to property apparently exceeding \$400, report the accident forthwith to the nearest provincial or municipal police officer and furnish him with such information concerning the accident as may be required by the officer under subsection (3). R.S.O. 1970, c. 202, s. 139 (1); 1975, c. 78, s. 10; 1977, c. 54, s. 17. Duty to report accident

(2) Where such person is physically incapable of making a report and there is another occupant of the motor vehicle, such occupant shall make the report. Where person unable to report

(3) A police officer receiving a report of an accident, as required by this section, shall secure from the person making the report, or by other inquiries where necessary, such particulars of the accident, the persons involved, the extent of the personal injuries or property damage, if any, and such other information as may be necessary to complete a written report concerning the accident and shall forward such report to the Registrar within ten days of the accident. Duty of police officer

(4) The report of a police officer under subsection (3) shall be in such form as is approved by the Minister. R.S.O. 1970, c. 202, s. 139 (2-4). Report of police officer

174.—(1) Where an accident occurs on a highway, every person in charge of a vehicle or car of an electric railway that is directly or indirectly involved in the accident shall, Duty of person in charge of vehicle in case of accident

- (a) remain at or immediately return to the scene of the accident;
- (b) render all possible assistance; and
- (c) upon request, give in writing to anyone sustaining loss or injury, or to any constable or other police officer or to any witness, his name and address, and also the name and address of the registered owner of such vehicle, and the number of the vehicle permit.

Penalty

(2) Every person who contravenes any of the provisions of this section is guilty of an offence and on conviction is liable to a fine of not less than \$100 and not more than \$500 or to imprisonment for a term of not more than six months, or to both, and in addition his licence or permit may be suspended for a period of not more than two years. R.S.O. 1970, c. 202, s. 140.

Notification of damage to trees, fences, etc.

175. Every person who, as a result of an accident or otherwise, operates or drives a vehicle or leads, rides or drives an animal upon a highway and thereby damages any shrub, tree, pole, light, sign, sod or other property on the highway or a fence bordering the highway shall forthwith report such damage to a police officer or constable or to the Registrar. R.S.O. 1970, c. 202, s. 141.

Reports by Crown attorneys and police officers

176.—(1) Every Crown attorney and police officer having knowledge of a fatal accident in which a motor vehicle is involved shall secure such particulars of the accident, the persons involved, and other information as may be necessary to complete a written report to the Registrar on the forms prescribed for that purpose, and shall transmit the report forthwith to the Registrar. R.S.O. 1970, c. 202, s. 142 (1); 1977, c. 54, s. 18.

Reports re statistics and traffic control

(2) Every provincial or municipal official or employee, hospital, charitable institution, insurer or other person or organization shall furnish to the Registrar such reports and other information relating to motor vehicle accident statistics and traffic control generally as may be required by the regulations.

Compensation may be allowed

(3) The Lieutenant Governor in Council, by regulation, may allow any person or organization making reports or furnishing information under this section such compensation for so doing as may be considered proper. R.S.O. 1970, c. 202, s. 142 (2, 3).

Report of medical practitioner

177.—(1) Every legally qualified medical practitioner shall report to the Registrar the name, address and clinical condition of every person sixteen years of age or over attending upon the medical practitioner for medical services, who in the opinion of such medical practitioner is suffering from a condition that may make it dangerous for such person to operate a motor vehicle.

No action for complying with subs. (1)

(2) No action shall be brought against a qualified medical practitioner for complying with this section.

Reports privileged

(3) The report referred to in subsection (1) is privileged for the information of the Registrar only and shall not

be open for public inspection, and such report is inadmissible in evidence for any purpose in any trial except to prove compliance with subsection (1). R.S.O. 1970, c. 202, s. 143.

178.—(1) Every optometrist licensed under part V of the *Health Disciplines Act* shall report to the Registrar the name, address and clinical condition of every person sixteen years of age or over attending upon the optometrist for optometric services who, in the opinion of such optometrist, is suffering from an eye condition that may make it dangerous for such person to operate a motor vehicle.

Report of
optometrist
R.S.O. 1980,
c. 196

(2) No action shall be brought against a qualified optometrist for complying with this section.

No action
for
compliance
with subs. (1)

(3) The report referred to in subsection (1) is privileged for the information of the Registrar only and shall not be open for public inspection, and such report is inadmissible in evidence for any purpose in any trial except to prove compliance with subsection (1). R.S.O. 1970, c. 202, s. 144.

Reports
privileged

179. The Registrar shall,

Duties of
Registrar:

(a) prepare and supply to police officers and other persons and organizations blank forms approved by the Minister for accident and other reports which shall call for such particulars concerning accidents, the person involved, and the extent of the personal injuries and property damage, if any, resulting therefrom, and such other information as may be required by the regulations;

supply of
accident
report
forms

(b) make such investigation of, and call for such written reports concerning, motor vehicle accidents, traffic conditions, and other matters, as he may consider necessary and proper, and for that purpose may require the assistance of any provincial or municipal police officer;

investiga-
tion of
accidents

(c) keep,

keeping
of records

(i) a record of all motor vehicle accidents in Ontario, reported to him or concerning which he procures information,

(ii) a record of all convictions for offences under this Act or under the provisions of the *Criminal Code* (Canada) relating to driving on highways, reported to him under section 184, and of such other convictions as he may consider proper,

R.S.C. 1970,
c. C-34

- (iii) a record of all drivers' licences and owners' permits issued, suspended, revoked, cancelled or revived under this Act,
- (iv) a record of all unsatisfied judgments rendered against persons holding owners' permits or drivers' licences under this Act, or non-residents reported to him pursuant to this Act,
- (v) an operating record of every driver, which record shall show all reported convictions of such driver for a contravention of any provision of any statute relating to the operation of motor vehicles, and all reported unsatisfied judgments against such person for any injury or damage caused by such person while operating a motor vehicle and all accidents in which the records of the Registrar indicate such driver has been involved, and such other information as the Registrar may consider proper, and
- (vi) such other records as he may be directed to keep by the Minister;

accident
and traffic
statistics

- (d) develop adequate uniform methods of accident and traffic statistics, and study accident causes and trends, traffic problems, and regulations;

annual
report for
Minister

- (e) prepare for the Minister an annual report showing the results of such reporting, collection, analysis and study, and embodying his recommendations for the prevention of motor vehicle accidents and the solution of traffic problems, and such report shall be printed and published forthwith upon completion. R.S.O. 1970, c. 202, s. 145.

PART XIV

PROCEDURE, ARRESTS AND PENALTIES

Time limit
for
instituting
civil actions

180.—(1) Subject to subsections (2) and (3), no action shall be brought against a person for the recovery of damages occasioned by a motor vehicle after the expiration of two years from the time when the damages were sustained. R.S.O. 1970, c. 202, s. 146 (1); 1975, c. 37, s. 1.

(2) Where death is caused, the action may be brought within the time limited by the *Family Law Reform Act*.

Limitation
in case of
death
R.S.O. 1980,
c. 152
Action for
damages

(3) Notwithstanding subsections (1) and (2), when an action is brought within the time limited by this Act for the recovery of damages occasioned by a motor vehicle and a counterclaim is made or third party proceedings are instituted by a defendant in respect of damages occasioned in the same accident, the lapse of time herein limited is not a bar to the counterclaim or third party proceedings. R.S.O. 1970, c. 202, s. 146 (2, 3).

181.—(1) Subject to subsection (2), the owner of a vehicle may be charged with and convicted of an offence under this Act or the regulations or any municipal by-law regulating traffic for which the driver of the vehicle is subject to be charged unless, at the time of the offence, the vehicle was in the possession of some person other than the owner without the owner's consent and on conviction the owner is liable to the penalty prescribed for the offence.

Vehicle
owner
may be
convicted

(2) The owner of a vehicle, except when he is also the driver, shall not be convicted for a contravention of any of the provisions of subsection 90 (3) or (6) or of sections 109 to 145, 148, 151, 158 or 173 or any regulation or by-law made or passed thereunder or under subsection 90 (8) or of any of the provisions of any by-law passed under any Act regulating or prohibiting turns on a highway. 1980, c. 37, s. 20.

When
owner
not
liable

182. Every person who contravenes any provision of this Act or of the regulations is guilty of an offence and the penalties imposed by or under the authority of this Act are recoverable under the *Provincial Offences Act*. R.S.O. 1970, c. 202, s. 148.

Recovery
R.S.O. 1980,
c. 400

183. No penalty or imprisonment is a bar to the recovery of damages by the injured person. R.S.O. 1970, c. 202, s. 149.

Right to
damages
reserved

184.—(1) A judge, provincial judge or justice of the peace who makes a conviction for an offence under this Act or under any other Act of the Legislature or the Parliament of Canada or any regulation or order made under any of them committed by means of a motor vehicle, or for an offence under a municipal by-law regulating traffic on the highways, except convictions for offences for standing or parking or the clerk of the court in which the conviction is made, shall forthwith certify the conviction to the Registrar, setting out the name, address and description of the person convicted, the number of his driver's licence, the number of the permit of the motor vehicle with which the offence

Report on
conviction
to Registrar

was committed, the time the offence was committed and the provision of the Act, regulation, order or by-law contravened. R.S.O. 1970, c. 202, s. 150 (1).

Order for
conditional
discharge
R.S.C. 1970,
c. C-34

(2) Where a person pleads guilty to or is found guilty of an offence under the *Criminal Code* (Canada) referred to in subsection (1) and an order directing that the person be discharged is made under section 234, 236 or 662.1 of that Act, the judge, provincial judge or justice of the peace who makes the order or the clerk of the court in which the order is made shall forthwith certify the order to the Registrar, setting out the name, address and description of the person discharged by the order, the number of his driver's licence, the number of the permit of the motor vehicle with which the offence was committed, the time the offence was committed and the provision of the *Criminal Code* (Canada) contravened. 1976, c. 37, s. 19.

Evidence

(3) A copy of any writing, paper or document filed in the Ministry pursuant to this Act, or any statement containing information from the records required to be kept under this Act, purporting to be certified by the Registrar under the seal of the Ministry, shall be received in evidence in all courts without proof of the seal or signature and is *prima facie* evidence of the facts contained therein. R.S.O. 1970, c. 202, s. 150 (2); 1972, c. 1, s. 1.

Signature of
Registrar

(4) An engraved, lithographed, printed or otherwise mechanically reproduced facsimile signature of the Registrar is sufficient authentication of any such copy or statement. R.S.O. 1970, c. 202, s. 150 (3).

Interpre-
tation

185.—(1) In this section, "judge" means a judge, provincial judge or justice of the peace.

Return of
suspended
driver's
licence to
Registrar

(2) Subject to subsection (3), a person whose driver's licence is suspended by a judge or by operation of this Act shall immediately forward the driver's licence to the Registrar.

Judge to
secure
possession

(3) Where a judge makes a conviction and the driver's licence of the person convicted is suspended by the judge or by operation of this Act, the judge shall take the driver's licence and forward it to the Registrar. 1974, c. 123, s. 35, *part*.

Police
officer,
constable
may secure
possession

186.—(1) Where by or under the provisions of this Act a driver's licence is suspended and the person to whom the suspension applies refuses or fails to surrender his licence

to the Registrar forthwith, any police officer or constable may take possession of the licence and return it to the Registrar and the Registrar may direct any police officer or constable to take possession of the licence and return it to the Registrar.

(2) Every person who fails or refuses to surrender his driver's licence when required by a police officer or constable pursuant to subsection (1) is guilty of an offence and on conviction is liable to a fine of not more than \$100. 1974, c. 123, s. 35, *part*. Penalty

187.—(1) If an owner of a motor vehicle is served with a summons to appear in a local municipality other than that in which he resides for an offence against this Act, and his defence is that neither he nor his motor vehicle was at the place of the alleged offence at the time such offence occurred, and that the summons must have been issued against him through an error of the informant as to the number on the official number plate, then and in that case only he may appear before a justice of the peace in the local municipality in which he resides and, in the same manner as if he were being tried for an offence against this Act, give evidence by himself and corroborated by the evidence of at least two other credible witnesses that neither he nor his motor vehicle was at the place of the alleged offence at the time such offence occurred, and that the summons must have been issued against him through an error of the informant as to the number on the official number plate. When owner may appear before justice of the peace

(2) The justice, if satisfied of the truth of such evidence, shall forthwith make out a certificate in the form set out in the Schedule to this Act and forward it by registered mail to the justice before whom the summons is returnable. Certificate

(3) The justice before whom the summons is returnable shall, upon receiving such certificate, thereupon dismiss the charge unless he has reason to believe that the testimony is untrue in whole or in part, in which case he may adjourn the case and again summon the defendant, who shall then be required to attend before him at the place and time mentioned in the summons. R.S.O. 1970, c. 202, s. 151. Dismissal or adjournment

188.—(1) Every person who contravenes any of the provisions of this Act or of any regulation is guilty of an offence and on conviction, where a penalty for the contravention is not otherwise provided for herein, is liable to a fine of not less than \$20 and not more than \$100. R.S.O. 1970, c. 202, s. 152. General penalty

(2) Notwithstanding subsection (1), every person, while a pedestrian or a person in a wheelchair, who contravenes any for pedestrian offences

provision of Part IX or any regulation made thereunder, is guilty of an offence and on conviction, where a penalty for the contravention is not otherwise provided for herein, is liable to a fine of not more than \$50. 1980, c. 37, s. 21.

Inter-
pretation

189.—(1) In this section,

- (a) "designated" means designated by the regulations;
- (b) "driver improvement program" means a course of instruction for the improvement of the knowledge and attitudes as drivers of persons who hold licences to drive motor vehicles on a highway;
- (c) "justice" means a justice of the peace or a provincial judge;
- (d) "Ministry" means the Ministry of the Attorney General;
- (e) "prescribed" means prescribed by the regulations;
- (f) "regulations" means the regulations made under subsection (3). 1974, c. 66, s. 8, *part*; 1978, c. 90, s. 16.

Driver
improvement
program
R.S.O. 1980,
c. 400

(2) Notwithstanding anything in the *Provincial Offences Act*, where in a designated municipality a justice convicts a person of a prescribed offence and the person, on the recommendation of the justice, attends and successfully completes a driver improvement program conducted by the Ministry, the justice may impose a lesser fine than the fine otherwise provided for by this Act or may order that no fine shall be imposed upon the person in respect of the offence.

Regulations

(3) The Lieutenant Governor in Council may make regulations,

- (a) designating municipalities as areas in which driver improvement programs may be conducted by the Ministry in conjunction with the adjudication of offences under this Act;
- (b) prescribing the offences under this Act in conjunction with the adjudication of which driver improvement programs may be conducted by the Ministry. 1974, c. 66, s. 8, *part*.

Assisting
officers

190.—(1) Every person called upon to assist a constable or officer appointed for carrying out the provisions of this Act in the arrest of a person suspected of having committed any offence mentioned in subsection (2) may assist if he knows that the person calling on him for assistance is a constable or officer appointed for carrying out the provisions of this

Act, and does not know that there are no reasonable grounds for the suspicion.

(2) Every constable, who, on reasonable and probable grounds, believes that a contravention of any of the provisions of subsection 9 (1); clause 12 (1) (a), (b), (c) or (d); subsection 13 (1); subsection 19 (2); subsection 30 (2) or (3); section 33; section 111, 148 or 160 or clause 174 (1) (a) has been committed, whether it has been committed or not, and who, on reasonable and probable grounds, believes that any person has committed such contravention, may arrest such person without warrant whether such person is guilty or not.

Arrests by
constable
without
warrant

(3) Every person may arrest without warrant any person whom he finds committing any such contravention.

Arresting
on view

(4) A constable or officer appointed for carrying out the provisions of this Act, making an arrest without warrant, may detain the motor vehicle with which the offence was committed until the final disposition of any prosecution under this Act or under the *Criminal Code* (Canada), but the motor vehicle may be released on security for its production being given to the satisfaction of a justice of the peace or a provincial judge.

Detaining
vehicle
when arrest
is made

R.S.C. 1970,
c. C-34

(5) All costs and charges for the care and storage of a motor vehicle detained under subsection (4) are a lien upon the motor vehicle, which may be enforced in the manner provided by section 52 of the *Mechanics' Lien Act*.

Care and
storage
charges

R.S.O. 1980,
c. 261

(6) A constable or officer appointed for carrying out the provisions of this Act, making an arrest without warrant, shall, with reasonable diligence, take the person arrested before a justice of the peace or provincial judge to be dealt with according to law. R.S.O. 1970, c. 202, s. 153.

Duty of
person
arresting
without
warrant

191.—(1) Upon the arraignment of a person accused of any of the offences mentioned in subsection 26 (1) or section 27 and before the court accepts the plea of such person, the clerk or registrar of the court shall orally give notice to such person in the following form or to the like effect:

Suspension
of licence
upon
conviction

"The Highway Traffic Act provides that upon conviction of the offence with which you are charged, in the circumstances indicated therein, your driver's licence shall be suspended for the period prescribed by statute"
1976, c. 37, s. 20.

(2) The suspension of a driver's licence by operation of this Act shall not be held to be invalid by reason of failure of

Idem

the clerk or registrar of the court to give the notice provided for in subsection (1). 1974, c. 123, s. 36, *part*.

Impounding
motor vehicle

192.—(1) In the event of,

R.S.C. 1970,
c. C-34

(a) a conviction under section 30 or 33 of this Act or section 234 or subsection 238 (3) of the *Criminal Code* (Canada); or

(b) a second conviction under subsection 233 (2) of the *Criminal Code* (Canada),

the provincial judge or judge may order that the motor vehicle driven by or under the care or control of the person convicted at the time of the commission of the offence or last offence, as the case may be, shall be seized, impounded and taken into custody of the law for a period of three months, provided the motor vehicle was at such time owned by or registered in the name of such person, or owned by or registered in the name of the husband, wife, parent or dependent child of such person. R.S.O. 1970, c. 202, s. 154 (1); 1973, c. 45, s. 30.

Second
conviction

(2) Where there is a conviction under the section mentioned in clause (1) (b) and a previous conviction under a section mentioned in clause (1) (a), such first-mentioned conviction shall be deemed a second conviction. 1974, c. 123, s. 37.

Seizure,
etc., of
vehicle upon
conviction
of certain
offences

(3) Where a person pleads guilty to any of the offences mentioned in subsection (1), the provisions of subsection (1) do not apply unless the person has been given notice,

(a) by a printed or written statement upon or accompanying the summons; or

(b) by the provincial judge or judge verbally before accepting the plea,

in the following form or to the like effect:

"The Highway Traffic Act provides that upon conviction of the offence with which you are charged, in the circumstances indicated therein, the provincial judge or judge may order that the motor vehicle which was driven by you or under your care or control at the time of the commission of the offence shall be seized, impounded and taken into the custody of the law".

Costs and
charges for
care and
storage

(4) All costs and charges for the care and storage of the motor vehicle are a lien upon the motor vehicle, which may

be enforced in the manner provided by section 52 of the *Mechanics' Lien Act*.

R.S.O. 1980,
c. 261

(5) If the person so convicted or the owner gives sufficient security to the convicting provincial judge or justice of the peace, by bond, recognizance, or otherwise, that the motor vehicle shall not be operated upon a highway during such period of three months, the same may be delivered to the person so convicted or the owner thereof, and, if the motor vehicle is operated upon a highway during such period, it shall be deemed to be operated without a permit.

Release of
vehicle on
security
given by
owner

(6) A constable or an officer appointed for carrying out the provisions of this Act, upon the discovery of a motor vehicle apparently abandoned on or near a highway or of a motor vehicle without proper number plates, shall take the motor vehicle into his custody and may cause it to be taken to and stored in a suitable place and all costs and charges for removal, care or storage thereof are a lien upon the motor vehicle, which may be enforced in the manner provided by section 52 of the *Mechanics' Lien Act*. R.S.O. 1970, c. 202, s. 154 (3-6).

Abandoned
vehicle

193. If a person to whom section 192 applies enters an appeal against his conviction and there is filed with the convicting provincial judge sufficient security for the production of the motor vehicle if the appeal should fail, section 192 does not apply unless the conviction is sustained on appeal. R.S.O. 1970, c. 202, s. 155.

Impounding
of vehicle on
appeal

194.—(1) The Minister may appoint one or more persons on the staff of the Ministry or any other ministry of the Government of Ontario as an officer or officers for the purpose of carrying out all or any of the provisions of this Act, and any person so appointed has authority to act as a constable throughout Ontario for such purpose. R.S.O. 1970, c. 202, s. 156 (1); 1972, c. 1, s. 1; 1980, c. 71, s. 22.

Appointment
of officers for
carrying out
provisions
of Act

(2) A person appointed under subsection (1) shall, while carrying out his duties under the appointment, have in his possession a certificate of his appointment under subsection (1) and shall produce such certificate upon request. R.S.O. 1970, c. 202, s. 156 (2).

Certificate of
appointment

PART XV

AMENDMENTS

195. Section 9 is amended by adding thereto the following subsection:

s. 9,
amended

Notice of
new address

(2a) Where the name of a lessee is on a permit and the lessee changes his address from the address shown on the permit or from that filed under this subsection, he shall within six days send by registered mail to or file with the Ministry notice of his new address. 1980, c. 71, s. 4.

s. 12 (3),
re-enacted

196. Subsection 12 (3) is repealed and the following substituted therefor:

Notice of
termination
of lease

(3) Where the name of the lessee is on a permit and the lease terminates, the lessor shall, within six days, forward to the Ministry notice thereof together with the permit number.

Property
of the
Crown

(4) Every number plate, evidence of validation and CAVR cab card furnished by the Ministry under this Act or pursuant to the Canadian Agreement on Vehicle Registration is the property of the Crown and shall be returned to the Ministry when required by the Ministry. 1980, c. 71, s. 6.

s. 102 (2),
re-enacted

197.—(1) Subsection 102 (2) is repealed and the following substituted therefor:

Designation
of
“freeze-up”

(2) For the purposes of this section, an official of the Ministry authorized by the Minister in writing may designate the date on which a “freeze-up” shall commence and the date on which a “freeze-up” shall terminate and the part of the Province to which the designation shall apply. 1980, c. 71, s. 14 (1).

s. 102,
amended

(2) The said section 102 is amended by adding thereto the following subsection:

R.S.O. 1980,
c. 446 does
not apply

(2a) A designation under subsection (2) is not a regulation within the meaning of the *Regulations Act*. 1980, c. 71, s. 14 (2).

Commence-
ment of
Part

198. This Part does not come into force until a day to be named by proclamation of the Lieutenant Governor. 1980, c. 71, s. 23 (2).

SCHEDULE

(Section 187 (2))

CERTIFICATE OF JUSTICE

I, (name of Justice), a Justice of the Peace in and for the
 of hereby certify:

1. That (name of defendant), of the
 of in the of
 (occupation), this day appeared before me and produced to me a summons
 issued by (name of Justice issuing summons), a Justice of the Peace in and
 for the of
 for an offence against the *Highway Traffic Act*, said to have been committed
 with respect to a car bearing the official number plate number
 for this year, the offence being alleged to have been committed on the
 of in the of
 on the day of

2. That (name of defendant) has deposed before me that neither he nor
 his motor vehicle was at such place on the
 day of, 19....., and that the summons must have
 been issued against him through an error of the informant as to the number
 on the official number plate, and his testimony in this respect has been
 corroborated by the testimony of two credible witnesses, namely (here
 insert the names of two witnesses).

3. The depositions of the defendant and of the witnesses referred to in
 paragraph 2 of this certificate are attached hereto.

4. That I am satisfied of the truth of the testimony given before me
 this day by (name of defendant and two witnesses), and give this certificate in
 pursuance of subsection 187 (2) of the *Highway Traffic Act*.

Dated at this day of
, 19.....

..... J.P.

(NOTE.—Attach depositions of defendant and witnesses to this certificate.)

R.S.O. 1970, c. 202, Sched.

